

57. 21.01.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1962 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Gopalnagar** Police Station Case No. **50/21** dated **31.01.2021** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Arun Biswas @ Krishna**

...petitioner.

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra
Mr. Samannya Saha

...for the petitioner.

Mr. Anand Keshari
Mr. Shashanka Shekhar Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that a co-accused person has been granted bail by the Hon'ble Supreme Court by an order dated January May 19, 2023, passed in Petition(s) for Special Leave to Appeal (CrI.) No(s). 4488/2023 (*Tanmoy Roy v. The State of West Bengal*), on the ground that he was in incarceration for a period of two years and four months and the trial is not likely to conclude soon. The petitioner herein says that he is in custody for more than four years. Only three out of seven charge-sheet named witnesses have been examined. Relying on the Hon'ble Supreme Court's order he prays for bail.
2. Learned State Counsel, while opposing the prayer for bail, says that indeed only three out of seven charge-sheet named

witnesses have been examined till date. It is also correct that the petitioner is in custody for more than four years.

3. In view of the aforesaid, following the order of the Hon'ble Supreme Court, referred to above, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Arun Biswas @ Krishna** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the territorial jurisdiction of Barasat Police Station and shall furnish his present address to the learned Trial Court and shall meet the Inspector-in-Charge of Barasat Police Station once every week, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (NDPS) 1962 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)