

28.01.2025
Item no. 53.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1972 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Airport Police Station Case No.193 of 2022 Dated 14.07.2022 under Section 21C /22C/29 of the NDPS Act

And

In the matter of : Pawan Kumar Tiwary Petitioner.

Mr. Debasish Kar,
Mr. Husen Mustafi for the Petitioner.

Mr. Bibaswan Bhattacharya
Mr. Sobhan Gani for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 5, 2024, passed by a Coordinate Bench in CRM (NDPS) 1253 of 2024, whereby a co-accused person by the name of Kamal Kumar Singh was granted bail on the ground of delay in progress of trial and prolonged period of detention. That accused person had been in custody for more than two years.
2. The petitioner says that he is in custody for more than two years and six months and, therefore, he stands on a better footing than Kamal Kumar Singh insofar as his prayer for bail on the ground of delay is concerned.
3. Learned State Counsel, while opposing the prayer for bail, tells us that 20000 bottles of phensedyl containing codeine phosphate was seized from the accused persons

including the petitioner. However, he, in his usual fairness, says that witness action is yet to begin. He also does not dispute that the petitioner is in custody for two years and six months.

4. Hence, on the ground of parity and generally on the ground of inordinate delay in the progress of the trial, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **PAWAN KUMAR TIWARY** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Barrackpore, and on further conditions that he shall remain within the jurisdiction of the Barrackpore Police Station and shall report to the Officer-in-Charge of the Barrackpore Police Station once in a week until further orders.
6. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioner's bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)