

# Nitish Adhikary @ Bapan vs The State Of West Bengal on 1 August, 2022

**Bench: Surya Kant, Abhay S. Oka**

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ITEM NO.40

COURT NO.14

SECTION II-

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 5769/20

(Arising out of impugned final judgment and order dated 04-05-2022 in CRM (NDPS) No. 442/2022 passed by the High Court At Calcutta)

NITISH ADHIKARY @ BAPAN

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

(with I.R.

IA No. 86211/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-08-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Mr. Piyush Sharma, Adv.  
Mr. Arvind Gupta, AOR  
Mr. Shailesh Kumar Prasad, Adv.  
Mr. Pravesh Nirwal, Adv.  
Ms. Lata R. Agarwal, Adv.  
Mr. Avijit Mishra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.

19:05:22 IST Reason:

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS Act, registered at Police Station Bongaon, West Bengal.

During the course of the hearing, we are informed that the petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.

Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.

The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.

The Special Leave Petition is disposed of on the aforestated terms.

Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(PREETHI T.C.)  
BRANCH OFFICER