

18.11.2020  
22 DL  
Sws M/G.S.Das  
Ct. No.11

**CRM 7965 of 2020**  
**CRAN 1 of 2020**

**(Via Video Conference)**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in NDPS Case No. 10 of 2019, Mejia Police Station No. 179 of 2019 dated 19.12.2019 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Sanjoy Singh & Ors.**

..... Petitioners

Mr. Soumik Ganguli

.... for the Petitioners

Mr. Anowar Hossain

Ms. Ratna Ghosh

...for the State.

The petitioners undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioners submits that the petitioners are in custody from December, 2019 and till date trial has not been progressed.

According to the learned advocate from the possession of Petitioner No.1 and another 5.5 kgs of ganja were recovered and pursuant to their statement 41 kgs of contraband were recovered from the house of petitioner Nos. 2 and 3.

Learned Advocate further draws the attention of this Court to the order dated 24.7.2020 where two of the accused persons in this case namely Jagannath Keora and Biren Karmakar were granted bail.

Learned Advocate for the State opposes the prayer for bail and draws the attention of this Court to the relevant seizures which were effected and are present in the case diary.

We have perused the seizure list which do not contradict the submission made by the Learned Advocate for the petitioner. We have also appreciated the order passed by the Learned Special Court and the seizures which have been made and taking into consideration the absence of Section 29 of the NDPS Act and having regard to the locus of the present Petitioner No.1 (Sanjoy Singh) along with the accused persons who have been granted bail by the Learned Sessions Judge, we are of the opinion that the quantity of seizures so effected do not attract the bar of Section 37 so far as the petitioner No.1(Sanjoy Singh) is concerned and as such he is entitled to be released on bail.

So far as the prayer for bail of the petitioner No. 2 (Chotton Keora) and the petitioner No.3 (Sunil Keora) are concerned, we are of the opinion that the provision of Section 37 is attracted and, as such, they are not entitled to be released on bail. Accordingly, the prayer for bail of the petitioner nos. 2 and 3 are **Rejected**.

Accordingly the prayer for bail of the petitioner no.1 (Sanjoy Singh) is **Allowed**.

Accordingly, we direct, that the petitioner no.1 (Sanjoy Singh) shall be released on bail upon furnishing bond of Rs.20,000/- (rupees twenty thousand only) with two sureties of Rs.10,000/- (rupees ten thousand) each to the satisfaction of the Special Court under NDPS Act, Bankura on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses and on further condition that the

petitioner No.1 (Sanjoy Singh) shall attend the Learned Trial Court regularly and in case there is any default, the Learned Trial Court shall be at liberty to cancel the bail without further reference to this Court.

With these observations, CRM 7965 of 2020 and CRAN 1 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**

**(Subrata Talukdar, J.)**