

CRM 2825 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah Police Station Case No.65 of 2019 dated 15-03-2019 under Sections 20(b)(ii)C/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sanjoy Ghosh

.... Petitioner.

Mr. Shataroop Purkayastha,
Mr. Hamidur Rahaman

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The petitioner says that at the time when seizure of commercial quantity of Ganja was made from a vehicle at Kona Expressway, the petitioner was in Santipur and in the process of being arrested in connection with another case. He has no truck with the present dealing in commercial quantity of contraband.

The State fairly admits that there was no recovery from the petitioner and his name transpired from the statements of the co-accused persons. However, the State points out that the petitioner is in jail in connection with another case under the NDPS Act.

In view of there being no recovery in the present case, the restrictions in Section 37 of the NDPS Act would not be attracted. Since, neither the seizure list mentions the petitioner nor *prima facie* there are other incriminating material against the petitioner and considering that the petitioner has been in custody in this case for about 886 days and Charge Sheet has already been submitted, we are of the view that the petitioner's prayer for bail may be allowed.

Accordingly, we direct that the petitioner, namely, **Sanjoy Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Howrah. 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 in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

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

The application for bail being CRM 2825 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**