

CRM No.6695 of 2021

Via video conference

06.12.21

(S.R.)

Sl.14

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chinsurah** Police Station Case No.132 dated 17/03/2021 under Section 20(b)(ii)(c) of the NDPS Act;
And

In re: Sanju Saha @ Ganesh

... petitioner.

Mr. Navanil De

Mr. Rajeswar Chakraborty

Mr. Subhrajit Dey

... for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody from 7th March, 2021 and there is no possibility towards disposal of the matter in the near future. Upon completion of investigation charge sheet has been submitted stating, *inter alia*, that intermediate quantity of contraband substance was recovered from the possession of the petitioner. In the said conspectus, further detention of the petitioner is not warranted.

Mr. De, learned advocate appearing for the State opposes the petitioner's prayer and submits that intermediate quantity of contraband substance was recovered from the possession of the petitioner and in view of the incriminating materials on record, the petitioner is not entitled to the relief, as prayed for.

Having heard the learned advocates and considering the materials in the case diary, we are of the opinion that the rigours of Section 37 of the NDPS Act are not attracted in the present case, as intermediate quantity of contraband substance was recovered from the possession of the petitioner.

Considering the nature of allegations and the period of detention, we are of the opinion that further detention of the petitioner, who is in

custody for about 259 days is not warranted.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Sessions Judge cum Judge, Special Court, Hooghly with a further condition that the petitioner shall reside within the jurisdiction of Naihati Police Station and shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.6695 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)