

11.07.2022
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 752 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2022 in connection with Chinsurah Police Station Case No. 408 of 2021 dated 03.11.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.34 of 2021)

And

In Re: **Santosh Chowdhury**

... .. Petitioner

Mr. Sudip Ghosh Chowdhury

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner he is in custody for about 211 days. It is further submitted no narcotic substance was recovered from his possession. It is also submitted petitioner has been falsely implicated in the instant case and investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner is a conspirator with co-accuseds for dealing in narcotic substance. Letter heads of companies controlled by persons viz. Ramesh Mohato and Rajkumar Chowdhury @ Chikua (who are involved in various cases) were recovered from the petitioner and co-accuseds.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner. CDRs. collected during investigation do not show any communication between the petitioner and co-accuseds who were carrying narcotic substance. Mere recovery of letter heads of companies run by persons having criminal antecedents from the petitioner and co-accuseds may give rise

to some suspicion but the same may not be sufficient to attract the rigors of Section 37 of the NDPS Act. In view of the extent of complicity of the petitioner in the alleged crime, period of detention suffered by him and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Santosh Chowdhury**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)