

03.11.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1181 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.08.2022 in connection with Chandannagar Police Station Case No. 94 of 2020 dated 18.09.2020 under Section 21(c) of the NDPS Act. (NDPS Case No.49 of 2020)

And

In Re: ***Sanjit @ Sanjib Biswas***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Dattatreya Dutta

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he was in custody since 18.08.2022 in other cases when the purported recovery is alleged to have been made from an abandoned place which was not in his control. There is no independent witness to the recovery. He has been falsely implicated in the instant case due to political reasons.

Learned advocate appearing for the State opposes the prayer for bail and submits recovery was made on the basis of the leading statement of the petitioner. As recovery was effected in the early hours of the morning, no independent witness was available. Prayer for bail of the petitioner was rejected earlier.

We have considered the materials on record. Petitioner was in custody in other cases since August, 2022. Hence, he was not a free agent at the time of alleged recovery. Recovery was made from an abandoned place and no material is placed before us to show petitioner and his family members had control and dominion over the place of recovery. In this backdrop, possibility of false implication of the petitioner in the subsequent case due to political reasons cannot be

wholly ruled out. We are informed that the court concerned is lying vacant and there is no possibility of progress in the trial. Under such circumstances, we are inclined to hold that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be enlarged on bail.

Therefore, the accused/petitioner, namely **Sanjit @ Sanjib Biswas**, 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-cum-Additional Sessions Judge, 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 any 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)