

27.06.2023

Sl. 15

Court No.29

Suvayan

(Allowed)

C.R.M. (NDPS) 1165 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **N 41/2022** arising out of **Bongaon** P. S. Case No. **296/2022** dated **23.03.2022** under Sections **20(B)(ii)(C)/29** of the NDPS Act.

And

In the matter of: **Sanjoy Mistri**

....petitioner

Mr. Angshuman Chakraborty

Mr. Shashanka Shekhar Saha

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

1. Heard the learned Counsel for both the parties.
2. Photocopy of the alleged agreement and the report as submitted on behalf of the State be taken on record.
3. 210 kgs. of ganja was seized from an abandoned car near Routara village in the District of Malda. The prayer of the bail moved by the present petitioner was rejected vide order dated 10.11.2022 passed in CRM (NDPS) 153 of 2022 on the ground that a report was placed before the Court showing that the vehicle in question was sold by one Imam Dafadar to the petitioner for consideration. Admittedly the residential house of the present petitioner is far away from the place of seizure.
4. It is now found that copy of a notarial affidavit is produced before us showing sale of the car in question in favour of the present petitioner but the said notarial affidavit does not bear the signature of the present petitioner. The connection of the present petitioner with the alleged seizure appears to be shaky. It is submitted at the Bar that 1st of July, 2023 has been fixed for framing of charge.
5. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner and the nature of evidence, it is directed that the petitioner shall be released on

bail by the learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas in case N 41 of 2022 arising out of Bongaon P.S. case No. 296 of 2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case.

6. Accordingly, the prayer for bail of the petitioner is allowed.
7. CRM (NDPS) 1165 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)