

CRM (NDPS) 1295 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Shalimar GRPS Case No. 34 of 2024** dated **03.06.2024** under Sections **20(b)(ii)(B)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Sachidananda Mahanandia & Anr.

.... Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,

... For the Petitioners.

Mr. Subhamoy Bhattacharya,
Mr. Tirupati Mukherjee,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Intermediate quantity of Ganja was allegedly seized from the joint possession of the petitioners. Therefore, the restriction in Section 37 of the N.D.P.S. Act would not apply.
2. The petitioners say that investigation is complete and chargesheet has been submitted. They are in custody for 84 days.
3. Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary. He says that there is sufficient incriminating material against the petitioner.
4. In view of the fact that the investigation is complete and on an overall assessment of the material-on-record, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioners, namely, **Sachidananda Mahanandia** and **Dibyendu Mandal @ Dibyendu Mondal** shall be released on bail upon furnishing a bond of Rs. 25,000/- each, 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), Howrah and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioners 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.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**