

18.02.2025
Item no. 18.
Court No.29.
AB
(Allowed)

CRM (NDPS) 37 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar Police Station Case No.742 of 2024 Dated 10.06.2024 under Section 21C/29 of the NDPS Act

And

In the matter of : Horo GhoshPetitioner.

Mr. M. H. Chowdhury
Ms. Sahin Sultanafor the Petitioner.

Ms. Sreyashee Biswas,
Mr. Sourat Nandyfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 75 days. There was no recovery of contraband items from him. He was implicated on the basis of statements made by co-accused persons, which are inadmissible in evidence. Charge sheet has been filed upon completion of investigation. He prays for bail.
2. Learned State Advocate, in her usual fairness, admits that there was no recovery of contraband items from this petitioner and that he has been implicated on the basis of statements made by co-accused persons. Further, there does not appear to be any other material like CDRs or money trail, which would connect the petitioner to the alleged crime.
3. In view of the aforesaid and since investigation is complete and charge sheet has been filed, we are of the

opinion that the petitioner has been able to tide over the restrictions in Section 37 of the NDPS Act.

4. Accordingly, we direct that the petitioner, namely **HORO GHOSH** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/-each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Malda, and on further conditions that he 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.
5. The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. 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.)

