

CRM (NDPS) 198 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station** Case No. **722 of 2024** dated **06.06.2024** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Sonyassi Ghosh @ Sonyasi Ghosh @ Sonyassi Ghosh

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Tapodip Gupta,
Mr. Ranaveer Halder,

... For the Petitioner.

Mrs. Amita Gour,
Mr. S. Balial,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing two orders both dated November 5, 2024, passed in CRM (NDPS) 1495 of 2024 and CRM (NDPS) 1620 of 2024, whereby two co-accused persons by the names of Kartik Ghosh and Samrat Ghosh @ Subrata Ghosh were enlarged on bail by a Coordinate Bench. The petitioner says that he stands on the same footing as the two persons. There was no recovery from him. He has been falsely implicated solely on the basis of statement made by a co-accused person before the police people, which is inadmissible in evidence.

2. Learned State Advocate while opposing the bail prayer, says that the petitioner was shown as absconder in the charge sheet. The charge sheet was filed on November 16, 2024. The petitioner was arrested on December 5, 2024. However, the learned State Advocate, in his usual fairness, does not dispute that there was no recovery from this petitioner and his implication is solely on the basis of statement made by a co-accused person.

3. In view of the aforesaid, we are of the view that the petitioner has been able to rebut the statutory restrictions in Section 37 of the NDPS Act and we enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Sonyassi Ghosh @ Sonyasi Ghosh @ Sonyassi Ghosh**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Malda subject to condition that he 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 and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station except for the purpose of attending court proceeding and shall meet the O.C./I.C. of concerned police station once in a fortnight until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Om Narayan Rai, J.)**

(**Arijit Banerjee, J.)**