

42. 17.03.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 281 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **English Bazar** Police Station Case No.**722/2024** dated **06.06.2024** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Samir Ghosh & Anr.**

...petitioners.

Mr. Imtiaz Ahmed,
Mr. Mazhar Hossain Chowdhury,
Ms. Sahin Sultana

...for the petitioners.

Mr. Abhishek Verma

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they are in custody for 100 days. They say that no narcotics were recovered from their possession. They pray for bail.
2. Learned State counsel opposes the prayer.
3. We have seen the material in the case diary. No narcotic was recovered from the petitioners. Their complicity is only on the basis of statement of a co-accused person before the police officer, which is inadmissible in evidence.

4. Under these circumstances, we are of the view that the petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they are entitled to bail.
5. Accordingly, we **allow** the petitioners' prayer for bail.
6. Accordingly, we direct that the petitioners, namely, **Samir Ghosh & Goutam Ghosh** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Judge, Special Court, 4th Court, NDPS Act, Malda*. The petitioners shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall meet to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a week, until further orders.
7. In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (NDPS) 281 of 2025 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)