

19.05.2025
Item no. 70
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 427 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, as amended/ under Section 483 of the BNSS, 2023 filed in connection with TR (NDPS) No.08 of 2024 arising out of Egra Police Station Case No. 412 of 2024 dated 26/06/2024 under sections 20(b)(ii)(c)/25/28/29 of the NDPS Act.

In the matter of : **Dharamnath Gupta.** Petitioner.

Mr. Amal Krishna Samanta ...for the Petitioner.

Mr. Joydeep Roy
Mr. Sujoy Sarkar ...for the State

Learned counsel appearing on behalf of the petitioner submits that total 215.3 Kgs. of ganja was allegedly recovered from the joint possession of the five persons. However, all the five accused persons are arrested on 26.06.2024. But the investigating agency could not submit charge-sheet within the statutory period of 180 days and there was also no prayer for extension of the period for investigation.

Having considered the aforesaid facts and circumstances of the case this Court granted bail to the co-accused Sajahan Mondal @ Sahajan Mondal in CRM (NDPS) 380 of 2025 and also another co-accused Navin Kumar @ Navin Mondal in CRM (NDPS) 101 of 2025 relying upon the judgments of **Enforcement Directorate, Government of India -vs- Kapil**

Wadhawan & Anr. reported in **(2024)7 SCC 147** and **Ravindran –vs- Intelligence Officer Director** reported in **(2021) 2 SCC 485**. He further submits that present petitioner is almost on the same footing with that of the other co-accused persons and as such he is also entitled to get default bail as the charge-sheet could not be submitted within the statutory period of 180 days.

Learned counsel appearing on behalf of the State opposed the bail prayer. However, in his usual fairness he submits that the present petitioner is almost on the same footing with that of the co-accused, whom this Court has already granted bail.

Having considered the facts and circumstances of the case and that the present petitioner is almost on the same footing with that of other co-accused persons, who have been granted default bail by this Court for not filing charge-sheet within the statutory period, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Dharamnath Gupta**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Purba Medinipur, and also on condition that the petitioner shall not leave the geographic limit of the

district Purba Medinipur without the leave of the trial court till further order and shall report to the Inspector-in-Charge Egra Police Station, Purba Medinipur, once in a week until further order of this court.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his cell phone numbers to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

This application for bail being CRM (NDPS) 427 of 2025 is, thus, allowed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)