

19.05.2025

akb
Sl. 74
Ct.29
Allowed

CRM (NDPS) No. 432 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 and/or an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection Shalimar GRPS Case No. 07 of 2023 dated 15.04.2023 corresponding to T.R. Case No. 09 of 2023 under Section 20(b)(ii)(c) of the N.D.P.S. Act, 1985.

And

In re: Sagar Singh @ Sk Sahajada **... petitioner.**

Sk. Toslimi Ali

...for the petitioner

Mr. Madhusudan Sur
Ms. Puspita Saha

...for the State.

Learned Counsel appearing on behalf of the petitioner submits that 54.905 kgs. of Ganja and 62 gms. of Charas were recovered from the joint possession of four accused persons. He further submits that the petitioner is in custody since 15th April, 2023 and that one co-accused, namely, Michi Dalai has already been granted bail from this Court vide order dated 8.5.2025 in C.R.M. (NDPS) 393 of 2025 and he is almost on the same footing. He further submits that the prosecution so far has examined only one witness out of 22 charge-sheeted witnesses and nobody knows when the entire trial could be concluded and as such, he may be released on bail on any terms and conditions.

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 the petitioner in C.R.M. (NDPS) 393 of 2025 and he further submits that from the materials collected in the Case Diary, the petitioner does not have any

criminal antecedent.

Having considered the submissions made on behalf of both the parties and that the present petitioner is almost on the same footing with that of the co-accused Michi Dalai and that the petitioner is in custody for about two years and one month and that only one witness could be examined so far out of 22 charge sheeted witnesses and considering all these and also in the touchstone of Article 21 of the Constitution of India, the prayer for bail of the petitioner is allowed.

In such view of the matter, petitioner namely, **Sagar Singh @ Sk Sahajada** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah and on condition that he will not leave the geographical limit of district Howrah without taking permission from the Trial Court and also on condition that he will meet Officer-in-Charge, Shalimar GRPS once in a week till further order and also on condition that the accused 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 mobile phone number 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 Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this Court.

Be it mentioned, that nothing said herein shall be construed as

an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 432 of 2025** is, accordingly allowed and disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)