

23.05.2025

akb

Sl. 63

Ct.29

Allowed

CRM (NDPS) No. 487 of 2025

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection Mogra Police
Station Case No. 44 of 2025 dated 31.01.2025 under Section
20(b)(ii)(B)/29 of the N.D.P.S. Act, 1985 in connection with NDPS
Case No. 03 of 2025.

And

In re: Arun Sadhukhan & Anr.

... petitioners.

Mr. Arunava Ganguly

...for the petitioners

Mr. Antarikhya Basu

Mr. Tirupati Mukherjee

...for the State.

Learned Counsel for the petitioner submits that 1.400 kgs. of
Ganja allegedly recovered from the two accused persons including the
petitioner herein and investigation has already been ended in charge
sheet and as such their further detention may not be required and
accordingly they may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the
bail prayer but in his usual fairness submits that below commercial
quantity of Ganja was allegedly recovered from the joint possession of
the petitioners. However, he submits that about twelve years back in
the year 2012 and 2013 in one case, each of the petitioners were
implicated under Section 309 and 402 IPC read with Section 25 and
27 of the Arms Act.

Having considered the submissions made on behalf of the
petitioner and the State, and that the alleged recovery of Narcotic
substance involved in the present case is below commercial quantity
and that investigation has already been ended in charge sheet, further
detention of the present petitioners may not be required. The rigour of
section 37 of NDPS Act also does not attract in respect of present

petitioner.

In such view of the matter, petitioners namely, **Arun Sadhukhan and Sk. Firoj** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Hooghly and on condition that they will not leave the geographical limit of district Hooghly without taking permission from the Trial Court and also on condition that they will meet Officer-in-Charge, Mogra Police Station twice in a week till further order and also on condition that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers to the local police station and shall not change it without prior permission of the Trial Court and they 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 further reference to this Court.

Be it mentioned, that anything said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 487 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.)

