

05.06.2025
Item No.26
Court No.6
Susanta/
Aminur
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM(NDPS) 638 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gaighata Police Station Case No.164 of 2024 dated 21.02.2024 under Sections 21(C)/25/28/29 of the Narcotic Drugs & Psychotropic Substances (NDPS) Act.

-And-

In the matter of : Upendra Kumar Mahato @ Upendar
... Petitioner

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

...For the petitioner.

Md. Adil Badar,
Mr. Sobhan Gani,

... For the State.

Learned Advocate for the petitioner and the learned Advocate for the State are present.

Heard learned Advocates for the parties.

Perused the materials in the case diary.

Learned advocate for the petitioner submits that the petitioner is in custody for one year and three months and is falsely implicated in the instant case.

Learned advocate further refers to the order passed by the Hon'ble Supreme Court where the co-accused Dhiraj Halder @ Santu @ Shantanu has been granted bail.

Learned advocate for the petitioner submits that as per the observation in the charge-sheet against co-accused Dhiraj Halder @ Santu @ Shantanu the petitioner stands on a better footing than the co-accused Dhiraj Halder @ Santu @ Shantanu.

Learned advocate for the State objects the grant of bail and submits that the petitioner does not stand in the same footing with that of the co-accused Dhiraj Halder @ Santu @ Shantanu, who obtained bail from the Hon'ble Supreme Court.

Learned advocate further submits that there was recovery from the vehicle in which the petitioner was driving.

It further appears from the record that a raid was held at the godown of the co-accused and different articles alleged to be narcotics were recovered from the godown of the co-accused person.

Thus, it cannot be said that there was no recovery from the co-accused person.

Upon perusal of the order of the Hon'ble Apex Court, it appears that the co-accused was granted bail considering his period of detention which was for more than one year.

In the instant case also the petitioner is in custody for one year and three months and this case involved examination of 19 witnesses which will take considerable period of time.

Thus, in the interest of justice, the petitioner should be released on bail.

The petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Trial Court. The petitioner upon release shall meet the Officer-in-Charge of concerned Police Station twice a week, until further orders and shall appear before the trial court on each and every day 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 petitioner shall not enter within the territorial jurisdiction of concerned Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioner shall not meet the persons acquainted with the facts of the case and shall furnish the address where the petitioner shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

The petitioner shall further intimate his Mobile number to the Officer-in-charge of the concerned Police Station.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail is disposed of.

(Biswaroop Chowdhury, J.)