

08.07.2025

akb
Sl. 16
Ct.29
Allowed

CRM (NDPS) No. 718 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 BNSS Act, 2023 filed in connection with T.R. Case No. 11 of 2023 arising out of Sankrail Police Station Case No. 292 of 2023 dated 23.4.2023 under Section 20(b)(ii)(c) of the N.D.P.S. Act, 1985.

And

In re: Sandesh Mahato

... petitioner.

Mr. Sk. Toslim Ali
Ms. Rituparna Bhadra

...for the petitioner

Mr. Subhamoy Bhattacharya
Mr. Dipankar Paramanick

...for the State.

Petitioner's contention is that 104 kgs. of Ganja was allegedly recovered from the three accused persons out of which two accused persons are already on bail. The present petitioner is in custody for about two years and three months and the prosecution so far could examine only one witness out of sixteen charge-sheeted witnesses and nobody knows when the trial would be concluded and as such he prays for bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer but in his usual fairness he submits that the present petitioner is almost on the same footing with that of the other two accused persons, who have already obtained bail from this Court.

Having heard learned Counsel appearing on behalf of the petitioner and the State, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely, **Sandesh Mahato** 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 O.C./I.C. Sankrail Police Station 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) 718 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.)