

25.09.2025

akb
Sl. 162
Ct.29
Allowed

CRM (NDPS) No. 790 of 2025

In re: An application for bail under Section 483 of the BNSS Act, 2023 / under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NDPS Case No. 18 of 2016 arising out of Chinsurah Police Station Case No. 468 of 2015 dated 22.09.2015 under Section 328/379/34 of the Indian Penal Code, 1860.

And

In re: Animesh Saha @ Guddu @ Amimesh @ Mitu Saha
... petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury
Ms. Jeenia Rudra

...for the petitioner

Mr. Madhusudan Sur
Ms. Debadrita Mondal

...for the State

Learned Counsel appearing on behalf of the petitioner submits that practically no allegation has been leveled against the present petitioner under any of the provisions of NDPS Act but a common charge was framed against the four accused persons under Section 328/379/34 of the Indian Penal Code read with Section 21(a) of the NDPS Act. He further submits that the petitioner was arrested on 6th February, 2016 and he was released on statutory bail on 8th April, 2016. Thereafter, due to mis-communication, he could not make contact with his Lawyer and for which warrant of arrest was issued on 10th April, 2017 and ultimately he was arrested and produced before the Special Court on 17th March, 2023 and since then the petitioner is in custody. He further submits that the prosecution proposes to examine 35 witnesses, out of which they could examine so far only 4 witnesses and the examination of CSW 5 and 6 are continuing. Therefore, it will take long time to conclude the trial and considering his period of detention which is about two years and five months, he may released on bail on any terms and conditions.

Mr. Madhusudan Sur, learned Counsel appearing on behalf of the State opposed the bail prayer contending that the present petitioner was absconded for a period of seven years and as such if he is released on bail there would be chance of his further abscondence and the trial may get further delayed.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that there is hardly any chance of early conclusion of trial also considering the period of incarceration suffered by the petitioner, the prayer for bail made by the petitioner is allowed.

Accordingly, petitioner namely **Animesh Saha @ Guddu @ Amimesh @ Mitu Saha** 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, Hooghly and on condition that he will not leave the geographical limit of district – Hooghly without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Chinsurah 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) 790 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.)