

03.07.2025

akb
Sl. 15
Ct.29
Allowed

CRM (NDPS) No. 779 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the BNSS Act, 2023 filed in connection with Sankrail Police Station Case No. 292 of 2023 dated 21st April, 2023 under Section 20(b)(ii)(C)/29 of the N.D.P.S. Act, 1985.

And

In re: Sonu Kumar

... petitioner.

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Mr. Samrat Mandal

...for the petitioner

Mr. Arijit Ganguly
Mr. Rajes Jana

...for the State.

Petitioner's contention is that 104 kgs. of Ganja was allegedly recovered from the joint possession of three accused persons and out of them, co-accused, Sanjit Mondal was granted bail by this Court only on the touchstone of Article 21 of the Constitution of India and the present petitioner is almost on the same footing in view of the fact that he is also in custody for about 2 years and 3 months and that the charge was framed 1½ years back but out of 16 witnesses prosecution could so far examine only one witness and it is uncertain when the prosecution would conclude examination of rest 15 witnesses.

Learned Counsel appearing on behalf of the State submits that huge quantity of narcotic substance was recovered from the possession of three accused persons and the present petitioner is the supplier and as such he opposed the bail prayer.

Having heard learned Counsel appearing on behalf of the petitioner and the State and the period of incarceration already suffered by the petitioner and that it is quite uncertain as to when the

examination of witnesses by the prosecution would be concluded and also considering the fact that the present petitioner is almost on the same footing with that of the co-accused, Sanjit Mondal, the prayer for bail of the present petitioner is allowed mainly on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely, **Sonu Kumar** 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) 779 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.)