

08.07.2025

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Allowed

C.R.M. (NDPS) 809 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 41 of 2022 arising out of Bhimpur Police Station case no. 203 of 2022 dated 31.5.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Ajay Sahani @ Ajoy Sahani**

.... Petitioner

Mr. Navanil De

Ms. Smita Saha

Mr. Srinjan Ghosh

...for the Petitioner

Mr. Saryati Dutta

Mr. Ratul Ghosh

...for the State

Petitioner's contention is that 105 kgs. of ganja was allegedly recovered from the joint possession of the petitioner and the co-accused namely, Dibyendu Marik, who had already been granted bail by this court vide order dated 24.6.2025 in CRM (NDPS) no. 446 of 2025 and since he is in custody for about three years and one month, he is also almost on the same footing with that of said co-accused and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer but in his usual fairness, he submits that the present petitioner is almost on the same footing with that of the co-accused and he further submits that the prosecution proposes to examine 27 witnesses, out of which they could examine so far only 20 witnesses.

Having considered the submissions made on behalf of both the parties and that the present petitioner is almost on

the same footing with that of the co-accused who has already been granted bail by this court and that the petitioner is in custody for about three years and one month and that there is hardly any chance of early conclusion of trial, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Ajay Sahani @ Ajoy Sahani** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar at Nadia and also on condition that the accused person 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 petitioner shall not leave the geographical limit of District of Krishnanagar, Nadia without taking leave from the court below and shall meet the Investigating Officer, Bhimpur Police Station once in a week until further order. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 809 of 2025 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)