

19.09.2025

Sl. no. 251

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 880 OF 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Dankuni Police Station Case No. 145 of 2023 dated 03.05.2023 under Sections 21(C)/27a/29 of the NDPS Act.

And

In the matter of : **Prasenjit Sarkar**

.... Petitioner

Mr. Tapas Kr. Ghosh,
Mr. Tanmoy Chowdhury
.... For the petitioner

Mr. Madhusudhan Sur, Ld. APP,
Mr. Sandip Kundu
... for the State

Learned counsel appearing on behalf of the petitioner submits that 1.023 k.g. heroin was allegedly recovered from the joint possession of the present petitioner and Nani Gopal Biswas @ Noni Gopal Biswas. Said co-accused has already been granted bail by this Court in CRM(NDPS) 1002 of 2025 considering his period of detention and on the touchstone of Article 21 of the Constitution of India.

He further submits that the present petitioner is almost on the same footing with that of Nani Gopal Biswas @ Noni Gopal Biswas as he was also arrested on 3rd May, 2023. Prosecution proposes to examine nine witnesses but they could not complete examination of PW1 as yet and it will take long time to conclude

the trial and as such he may be released on bail on any terms and conditions, considering his period of detention.

Learned counsel appearing on behalf of the State opposed the bail prayer and contended that this is renewal of his bail prayer and his earlier bail prayer was rejected on 24th April, 2024. However, in his usual fairness Mr. Sur, learned advocate for the state submits that the present petitioner is on the same footing with that of Nani Gopal Biswas @ Noni Gopal Biswas.

Having heard the learned counsel appearing on behalf of both the petitioner and the State and considering period of incarceration suffered by the present petitioner and that there is hardly any chance of early conclusion of trial, Prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

The petitioner namely **Prasenjit Sarkar** shall be released on bail upon furnishing a Bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly at Chinsurah 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 numbers 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. Petitioner shall not leave the geographic limit of Hooghly District without leave of the trial Court and also on condition that he will report to the I.C./O.C. Dankuni P.S. once in a week till 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.

Accordingly CRM (NDPS) 880 of 2025 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)