

25.9.2025
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SB
Allowed

C.R.M. (NDPS) 1095 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. 01 of 2023 arising out of NCB Crime no. 01/NCB/KOL/2023 dated 3.1.2023 under Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Santosh Kumar Acharya**

.... Petitioner

Mr. Tapas Kr. Ghosh

Mr. Tanmay Chowdhury

...for the Petitioner

Mr. Anirban Mitra

...for the NCB

Report submitted by the NCB dated 15.9.2025 is taken on record.

Prosecution case is that 33 kg of ganja was recovered from the possession of the present petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 3rd January, 2023 i.e. for about two years and nine months and the other co-accused persons namely, Hasina Bibi and Nishant Pandey have been granted bail by this court and the present petitioner is almost on the same footing with that of the co-accused and as such, he may be released on bail on any terms and conditions.

Learned counsel for the NCB opposed the bail prayer contending that the petitioner is not on the same footing with that of the co-accused since the recovery was made from the exclusive possession of the present petitioner. He further submits that the prosecution proposes to examine seven witnesses out of which, the examination of four witnesses

have already been completed and the next date is fixed on 5th December, 2025 and it will not take much time to conclude the trial.

Having considered the submissions made on behalf of both the parties and also considering the period of incarceration suffered by the petitioner and that there is still uncertainty as to when the trial would be concluded, the prayer for bail made by the present petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Santosh Kumar Acharya** 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, 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 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 Hooghly without taking leave from the court below and shall report to the O.C./I.C., Dankuni 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) 1095 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.)