

24.9.2025

akb

Sl. 167

Ct.29

Allowed

CRM (NDPS) No. 1171 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 N Case No. 18 of 2025 arising out of Rahara Police Station Case No. 213 of 2025 dated August 01, 2025 under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

And

In re: Subhasish Dhar & Anr.

... petitioners.

Mr. Navanil De

Mr. Srinjan Ghosh

...for the petitioner

Ms. Ritukparna De Ghose

Mr. Debanik Das

...for the State

Learned Counsel appearing on behalf of the petitioner submits that 8 kg. 430 gms. of Ganja were recovered from the joint possession of the present petitioners and the petitioners are in custody since 1st August, 2025, i.e. for about 55 days and the petitioners have no criminal antecedents and as such they may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State submits that intermittent quantity of Ganja was recovered from the joint possession of the petitioners, however investigation is still going on.

Having heard learned Counsel appearing on behalf of the petitioners and the State, I find that the investigation in respect of the present petitioners must have been advanced to a considerable extent during the detention of the present petitioners in custody and that recovery of intermittent quantity of contraband is involved in the instant proceeding and as such rigour of Section 37 of the NDPS Act do not attract in respect of the present petitioners and considering the facts and circumstances of the case, I find that further detention of the present petitioners may not be required in the interest of

investigation.

In such circumstances, petitioners namely **Subhasish Dhar and Surajit Chakraborty** may find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Additional Chief Judicial Magistrate, Barrackpore and on condition that he will not leave the geographical limit of District – North 24-Parganas without taking permission from the Trial Court and also on condition that the accused shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. they shall give their mobile phone numbers to the local police station and shall not change it without prior permission of the Trial Court and they 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) 1171 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.)