

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1894 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Raghunathganj** Police Station Case No.**759/2021** dated **03.12.2021** under Sections **21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Santosh Saha.**
...petitioner.

Mr. Jishan Iqubal Hossain
...for the petitioner.

Mr. Avishek Sinha,
Ms. Sreetama Das
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 12, 2024 passed by a co-ordinate bench in CRM (NDPS) 1655 of 2024 whereby a co-accused person, i.e., *Sanatan Ghosh @ Sona* was enlarged on bail on the ground of delay in progress of trial. The petitioner says that he is in judicial custody for three years and one month, which is a few months more than the said *Sanatan Ghosh @ Sona*.
2. Learned State advocate while opposing the prayer for bail, in her usual fairness, does not dispute that insofar as the delay in trial and period of detention is concerned, this petitioner is similarly circumstanced as *Sanatan Ghosh @ Sona*, who has

been enlarged on bail. We are told that witness-action has not yet begun.

3. Hence, we **allow** the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Santosh Saha** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Judge, Special Court (NDPS Act)*, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the Raghunathganj Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.
5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
6. The application for bail being CRM (NDPS) 1894 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)