

19.06.2019.  
Item No.36  
(Allowed)  
Ab

**CALCUTTA HIGH COURT**  
**IN THE CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. 228 of 2019**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.04.2019 in connection with NDPS Case No. 32 of 2017 arising out of NCB Crime No. 23/NCB/KOL/2017 for committing offence punishable under Sections 8/20(b)(iii)(C) of the Narcotics Drugs and Psychotropic Substance Act, 1985;

And

In the matter of : Kamaleswar Barman. ... petitioner.

Mr. Hillol Saha Podder. ...For the petitioner.

Mr. Rajdeep Biswas. ...For the NCB.

Heard the learned Advocates appearing on behalf of the parties. Perused the case papers.

The petitioner is languishing in jail approximately two years two months in connection with NDPS Case No. 32 of 2017 arising out of NCB Crime No. 23/NCB/KOL/2017 for committing offence punishable under Sections 8/20(b)(iii)(C) of the Narcotics Drugs and Psychotropic Substance Act, 1985.

It appears from search-cum-seizure list that 150 Kgs. (gross) of contraband article was recovered from the house of the petitioner and, according to the prosecution, such facts have been corroborated by the petitioner himself in putting the signature therein. According to the prosecution, the petitioner disclosed the name of several persons and on such disclosure the raids were conducted and large quantity of contraband was recovered from their custody.

It is informed to this Court that split up trial had already commenced against the petitioner as well as the other two co-

accused and it is at the advance stage of recording the evidence of PW4. The next date is fixed on 4<sup>th</sup> July 2019.

It is evident from the instant application that other co-accused are already enlarged on bail during the trial. We do not find that the petitioner should be treated differently, more particularly, when the less quantity of contraband was recovered from his possession than from the other two co-accused.

The petitioner is, therefore, entitled to bail.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs 5,000/-, one of whom must be local, to the satisfaction of learned Special Judge, NDPS Court subject to the conditions that the petitioner shall appear before the trial court on every date of hearing until further order and shall not intimidate any witness or tamper with any evidence in any manner whatsoever or commit similar offence and shall also report to the Officer in-charge of Kotwali Police Station once in a week until further order.

The application for bail being CRM 228 of 2019 is, thus, allowed.

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

**(Hiranmay Bhattacharyya, J.)**

**(Harish Tandon, J.)**

