

1.12.2020
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Item no.9
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.9525 of 2020

Dilip Singha
-vs-
The State of West Bengal

In Re: An application for bail under **Section 439 CrPC** in connection with Jalpaiguri P.S. Case No.17 of 2020 dated 06.01.2020 under sections 1.8(b) of the NDPS Act.

Mr. Debapratim Guha
...for the petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy
... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The learned Advocate appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in the present case. He further contends that only 1.4 kg of charas was recovered from the possession of the petitioner, which is below the commercial quantity. Therefore, the petitioner should not be detained in custody. So, the petitioner should be enlarged on bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits that charge-sheet has already been submitted. Therefore, if the petitioner is granted bail, then he may not appear in the pending trial and the trial would be frustrated.

Considering the submission as advanced by the learned Advocate appearing for the parties and after perusing the memo of evidence, in our considered view since the below commercial quantity of charas was recovered from the petitioner, therefore, the petitioner should not be detained any further in custody. Accordingly, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, 2nd Court, Jalpaiguri subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till the disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this court.

CRM No. 9525 of 2020 is disposed of.

[Kausik Chanda, J]

[Samapti Chatterjee, J]