

**25.11.2021**

Item No.30

Ct.No.1

K.B/b.r.

**Allowed**

**CALCUTTA HIGH COURT**  
**IN THE CIRCUIT BENCH AT JALPAIGURI**  
**Criminal Appellate Jurisdiction**

**C.R.M. 963 of 2021**

**(Via Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. 84 of 2021 arising out of Cooch Behar Kotwali P.S. Case No. 776 of 2021 dated 01.08.2021 under Sections 21(C)/29 of the NDPS Act,1985.

And

In the matter of : **Kurban Sai**

... Petitioner.

Mr. Hillol Saha Poddar

... for the petitioner

Mr. Nilay Charkraborty

Mr. Aniruddha Biswax

... For the State.

Learned advocate for the petitioner submits that the present petitioner has been arrested on the basis of the statement of co-accused and no incriminating materials were seized from the possession of the present petitioner.

Learned advocate for the State opposes the prayer for bail and submits that surprise check were being held and the present petitioner and another who were pillion rider fled away, while the person who was arrested and from whom seizure has been effected named the present petitioner and others. However there has been no recovery from the present petitioner.

Having regard to the circumstances of this case, *prima facie*, we are of the view that the petitioner has been able to overcome the rigors of Section 37 of the NDPS Act and as such is entitled to be released on bail.

Accordingly, we direct that the petitioner, namely, **Kurban Sai** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (under the Narcotic and Psychotropic Substance Act, 1985), Cooch Behar and on further condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

While on bail, the petitioner shall not leave the jurisdiction of Kotwali Police Station and meet with the Investigating Officer/Inspector-in-Charge, Kotwali Police Station once in a week under further orders.

The application for bail, being CRM 963 of 2021, is, thus, allowed.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**

**(Subrata Talukdar, J.)**