

21.12.2021
SL No.35
Court No.1
PJ/SK
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1147 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. 88 of 2021 arising out of Rajganj Police Station Case No. 374 of 2021 dated 18.09.2021 under Sections 18/21(c)/22(c)/29 of the N.D.P.S. Act.

And

In the matter of : **Md. Abdur Rahim**

- Petitioner.

Mr. Biswarup Roy

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
Mr. Sourav Ganguly

... For the State.

The learned Counsel for the petitioner submits that in view of the order of the Co-ordinate Bench in C.R.M. 9264 of 2020 dated December 17, 2020, the petitioner is entitled to be released on bail.

The learned Counsel for the State submits that the name of the petitioner transpires during the interrogation of the co-accused statement and has fairly submitted that the petitioner is standing on the same footing with the accused Rajjak Ali, who has been granted bail relying upon the inadmissibility of such evidence.

In view of the fact that the petitioner is standing on the same foot with Rajjak Ali, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, **Md. Abdur Rahim**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge Court, 2nd Special Court (NDPS Act) at Jalpaiguri, subject to the conditions that the petitioner shall appear before the Trial Court on each and every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall stay outside the jurisdiction of Rajganj Police Station and shall not enter the said jurisdiction except for meeting the investigating officer and/or attending the Court proceedings and shall meet the investigating officer once a week until further orders and with a further condition to comply with the provisions of Section 437 (3) of the Code of Criminal Procedure. We also direct the Trial Court to expedite the trial and conclude it as expeditiously as possible.

Accordingly, the application for bail being C.R.M. 1147 of 2021 stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)