

21.12.2021
SL No.38
Court No.1
AJ/SM

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

**CRM 1154 of 2021
(Via video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with N.D.P.S. Case No. 57 of 2020 in connection with Dinhata Police Station Case No.261 of 2020 dated 03.08.2020 under Sections 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

And
In the matter of : **Kokil Sarkar.**
... .petitioner.

Mr. Hillol Saha Poddar.
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. B. Roy.
... For the State.

The learned Counsel for the petitioner submits that the petitioner was arrested on the basis of statement of the co-accused persons which are admissible in evidence.

The learned Counsel for the State opposes the prayer for bail. However, it is further submitted that the name of the petitioner transpired during the interrogation of the co-accused persons.

Having regard to the fact that the petitioner was arrested on the basis of the statement of the co-accused persons which are admissible in evidence and the petitioner is able to rebut the presumption under Section 37 of the NDPS Act, we feel that the petitioner should not be detained in custody any further.

As such, the prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, **Kokil Sarkar** 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 Special Judge (under the Narcotic Drugs and Psychotropic Substances Act, 1985) cum Additional Sessions Judge, 1st Court, Cooch Behar subject to the condition that the petitioner shall appear before the trial Court on 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 Dinhata Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the Court proceeding and shall meet the Investigating Officer once a week until further orders and with a further condition to comply with the provision 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.

The application for bail, being CRM No.1154 of 2021 is, thus, 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.)