

11.01.2022
Item no.39.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 6 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2022 in connection with Bagdogra Police Station Case No. 401 of 2021 dated 16.08.2021 under Sections 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Shakti GhoshPetitioner.

Mr. Arnab Saha,
.....for the Petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Dasfor the State.

The petitioner says that he is in custody for five months. There is no possibility of immediate commencement of trial. Intermediate quantity of contraband item was allegedly recovered from him. He prays for bail.

The State opposes the prayer for bail.

We have seen the material in the case diary. It appears that 200 grams of brown sugar was allegedly recovered from the petitioner. In view of intermediate quantity of contraband item being involved, the restrictions under Section 37 of the NDPS Act would not be attracted. Charge-sheet has been submitted on November 13, 2021.

On an overall assessment of the material on record, the possible extent of complicity of the petitioner in the alleged offence and keeping in view the fact that charge-sheet has already been submitted upon completion of investigation, we are inclined to enlarge the petitioner on bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely **Shakti Ghosh** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge under the N.D.P.S. Act at Siliguri, Darjeeling and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM (NDPS) No. 6 of 2022 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)