

14.01.2022
Item no.20.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 12 of 2022

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2022 in connection with Bhaktinagar Police Station Case No. 272 of 2021 dated 16.03.2017 under Sections 21(C)/22(C)/23(C)/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

And

In the matter of : Sanjit Ghosh & Another.

.....Petitioners.

Mr. Arjun Chosdhury,
Ms. Pratusha Dutta,
.....for the Petitioner.

Mr. Ujjal Luksom,
Mr. Tapan Bhattacharjeefor the State.

The charge is under the provisions of Narcotic Drugs and Psychotropic Substances Act. There was no recovery of contraband items from the petitioners. They have been implicated on the basis of the statements made by the co-accused person from whose go-down the contraband items of commercial quantity were seized.

In view of there being no recovery from the petitioners, the rigors of Section 37 of the N.D.P.S. Act are not attracted.

The petitioners are in custody for 120 days. Charge-sheet has been submitted upon completion of investigation.

The State opposes the prayer for bail.

On an overall assessment of the facts and circumstances of the case, we are of the view that further custodial detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners namely **Sanjit Ghosh and Tripati Nath Raha @ Sanku Raha** shall be released on bail upon furnishing a bond of Rs.25,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under N.D.P.S. Act), Jalpaiguri, and on further conditions that they shall remain within the jurisdiction of the concerned police station and they shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioners 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.

In the event the petitioners fail 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.

C.R.M. (NDPS) No.12 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.)