

28.02.2022

COURT : 01
ITEM : 21
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (NDPS) 18 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on January 13, 2022 in connection with Kotwali Police Station Case No. 632 of 2021 dated 29.11.2021 under Section 20(c) of the Narcotic Drugs & Psychotropic Substances Act. (NDPS Case No. 115 of 2021)

And

In the matter of : **Chanchal Roy @ Mithun**

...Petitioner

Mr. Sujit Kumar Sarkar, Advocate

Ms. Srishthi Sarkar, Advocate

...for the Petitioner

Mr. Abhijit Sarkar, Advocate

Mr. Sourav Ganguly, Advocate

...for the State

The petitioner has been apprehended in connection with the aforementioned case solely on the basis of the statement made by the co-accused persons before the police authority.

Since the aforesaid statement is not admissible in evidence at this stage, we find no justification in not extending the benefit of Section 439 of the Code of Criminal Procedure to the petitioner. Furthermore, there is no other incriminating materials found from the possession of the petitioner nor any contraband is recovered from his joint or exclusive possession. Therefore, the rigour of Section 37 of the NDPS Act is not attracted.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of learned Special Judge under the NDPS Act, subject to the condition that the petitioner shall make himself available as and when required.

The application being **CRM (NDPS) 18 of 2022** is accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)