

02.03.2022

COURT : 01
ITEM : 11
MATTER : 439
STATUS : ALLOWED
TRANSCRIBER : nandy

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

CRM (NDPS) 27 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on January 28, 2022 in connection with Dinhata Police Station Case No. 261 of 2020 dated 03.08.2020 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 57 of 2020)

And

In the matter of : **Prassana Chandra Sarkar @ Bappa Sarkar**

...Petitioner

Mr. Hillol Saha Podder, Advocate

Mr. Sayantan Bhowmik, Advocate

Ms. Mousumi Das, Advocate

...for the Petitioner

Mr. Ujjwal Luksom, Advocate

Mr. Saikat Chatterjee, Advocate

...for the State

The petitioner is seeking bail in connection with Dinhata Police Station Case No. 261 of 2020 dated 03.08.2020 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner is in custody for more than 569 days in connection with the aforementioned case. It appears from the record that the petitioner was taken into custody on the basis of the statement of the co-accused before the police officer. There was no recovery of contraband from the possession of the petitioner and, therefore, the rigour of Section 37 of the NDPS Act in our opinion does not stand as a bar in considering the application for bail.

However, our attention is drawn to the fact that certain phone numbers were taken out from the mobile of the accused and approach has been made to the service provider for divulging the information whether it belongs to the petitioner or not. We do

not find from the case diary that any call at the relevant point of time was allegedly made by the petitioner nor any date and time has been disclosed in the case diary produced before us. Even though the service provider was approached prior to 28.01.2021 no information could be collected and chargesheet has already been submitted with a prayer to file supplementary chargesheet. Neither the chemical examination report nor any call details have been shown in the case diary which may remotely link the petitioner in the commission of an offence. Since the statement of the co-accused is not a good piece of evidence at this stage, we thus do not find any justification for not extending the benefit of bail to the petitioner.

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

Accordingly, the petitioner namely **Prassana Chandra Sarkar @ Bappa Sarkar**, 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 Additional Chief Judicial Magistrate, Dinhata and on further condition that the petitioner shall attend the case on each occasion.

The application being **CRM (DB) 27 of 2022** is accordingly **disposed of**.

(Harish Tandon, J)

(Rabindranath Samanta, J)