

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

24.06.2022
cm/ct 28
JC no. 1

C.R.M. (NDPS) 181 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS case No. 44/2022 arising out of Kotwali P.S. Case No. 216 of 2022 dated 11.04.2022 under Sections 20 (b)(ii)(c)/29 of the NDPS Act 1985

And

Allowed

In Re : Litan @ Liton Dey

..... petitioner

Ms. Madhushri Dutta
Ms. Jeenia Rudra

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P.
Mr. Sourav Ganguly

..... for the State

Petitioner is in custody for 70 days. He submits that co-accused is on bail. It is further contended that no narcotic substance was recovered from the petitioner.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record and bearing in mind the nature of allegations and the extent of complicity of the petitioner in the alleged crime in the light of the submission that no narcotic substance was recovered from his possession and as his complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that petitioner has been able to rebut the statutory restrictions under section 37 of the NDPS Act and may be granted bail.

Accordingly, the petitioner 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 Judge, Special Court under NDPS Act, Jalpaiguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(NDPS) No. 181 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)