

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

27.06.2022
cm/ct 28
JC no. 1

C.R.M. (NDPS) 183 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rajganj P.S. Case No. 374 of 2021 dated 18.09.2021 under Sections 18/21(c)/22(c)/29 of the NDPS Act 1985
And

Allowed

In Re : Md. Kamal Biswas(25 years)

..... petitioner

Mr. Anirban Banerjee
Ms. Madhushri Dutta
Ms. Jeenia Rudra

..... for the petitioner

Mr. Aditi Shankar Chakraborty, ld. A.P.P.
Mr. Nilay Chakraborty

..... for the State

Petitioner is in custody for over 32 days. It is contended that no narcotic substance was recovered from the possession of the petitioner.

Learned lawyer for the State opposes the prayer for bail. He submits complicity of the petitioner has transpired from the statement of the co-accused.

We have considered the materials on record and bearing in mind 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. Keeping in mind the

aforesaid fact and the period of detention suffered by the petitioner i.e. 32 days and as investigation is complete, we are inclined to grant bail to the petitioner.

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. 183 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)