

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

29.06.2022
cm/ct 28
JC no. 6

C.R.M. (NDPS) 192 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jaigaon P.S. Case No. 77 of 2022 dated 14.04.2022 under Sections 22(c) of the NDPS Act, 1985.

Allowed

In Re : Pandu Rai

..... petitioner

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

..... for the petitioner

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

..... for the State

Petitioner is in custody for about a month. 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 petitioner has criminal antecedents. He along with co-accused was dealing in narcotic substance which is above commercial quantity.

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 further detention of the petitioner is not necessary and he 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. 192 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)