

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

25.07.2022
cm/ct 28
sl no. 1

C.R.M. (NDPS) No. 222 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Dinhata P.S Case No. 637 of 2021** dated **18.12.2021** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 R/W Section 25(1-A)/35 of the Arms Act, 1959.

And

Allowed

In Re : Ranbir Yadav @ Ranbir Kumar

..... petitioner

Mr. Arjun Chowdhury

..... for the petitioner

Mr. Biswarup Roy

..... for the State

Petitioner is in custody for 133 days. It is contended no narcotic substance was recovered from his possession. He has been arrested out of mere suspicion.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner and co-accuseds were dealing in narcotic substance above commercial quantity. He has criminal antecedents.

We have considered the materials on record. No narcotic substance was recovered from the possession of the petitioner and his complicity in the alleged offence has transpired from the statement of co-accused before police officer which is inadmissible in evidence.

Under such circumstances, we are of the opinion that petitioner has been able to rebut statutory restrictions under section 37 of the NDPS Act and in view of period of detention

suffered by the petitioner, he may be released on bail, however, two conditions.

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 Additional Sessions Judge, 1st Court, Cooch Behar(NDPS) 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 and on further condition that he shall meet the Officer-in-charge of Dinhata police Station once in a week until further orders.

In the event petitioner 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. 222 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)