

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

26.07.2022
cm/ct 28
sl no. 2

C.R.M. (NDPS) No. 231 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Jalpaiguri Kotwali P.S Case No. 350 of 2022** dated **02.06.2022** under Sections **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

Allowed

In Re : Sapi Md.

..... petitioner

Mr. Sujoy Sarkar
Mr. Sudip Guha

..... for the petitioner

Mr. Aditishankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy

..... for the State

Petitioner is in custody for 48 days. It is contended no narcotic substance was recovered from his possession.

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

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 he may be released on 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 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. 231 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)