

02.09.2022

Sl. No.1

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 260 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2022 in connection with Kalchini Police Station Case No. 101 of 2022 dated 03.07.2022 under Section 22(c) of the NDPS Act.

And

In Re: ***Pandu Rai***

... .. Petitioner

Ms. Jeenia Rudra
Mr. Thaneshware Kumal

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Biswarup Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 46 days. It is further submitted no narcotic substance was recovered from the possession of the petitioner and he has been falsely implicated in the instant case.

Report is filed on behalf of the Investigating Agency.

Learned advocate appearing for the State produces the case diary and submits petitioner has criminal antecedents.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and his complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact and the period of detention suffered by the

petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Pandu Rai**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act, 1985, 1st Court, Jalpaiguri subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that the petitioner shall meet the Officer-in-charge, Kalchini Police Station once in a week until further orders.

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

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)