

03.01.2022
Item no.18.
Court No.01.
S. De
(Allowed)

(Via Video Conference)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM No. 1139 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2021 in connection with New Cooch Behar G.R.P.S. Case No. 13 of 2021 dated 20.09.2021 under Sections 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Chetan Singh Petitioner.

Mr. Sabir ahmed,
Mr. Hillol Saha Podder,
.....for the Petitioner.

Mr. Arun Kumar sarkar,
Mr. Tapa Bhattacharjeefor the State.

The petitioner says that there are discrepancies in the case of the prosecution. The seizure list states that the contraband item being about 6 killogrammes of ganja was recovered from the possession of the petitioner at the New Cooch Behar GRPS Office. However, the FIR says that the contraband item was recovered from a train where the petitioner pointed out the bag containing the ganja. He has been in custody for 105 days. Charge-sheet has been filed.

We have gone through the material in the case diary. Considering the facts and circumstances of the case and that intermediate quantity of contraband item is involved, we are of

the view that the petitioner's prayer for bail may be granted as the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be attracted.

Accordingly, we direct that the petitioner, namely Chetan Singh shall 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 Special Judge under the N.D.P.S. Act at Cooch Behar and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

