

7.01.2022
Item no.43
Court No.1
m.ali
(Allowed)

(Via Video Conference)

CRM No. 1296 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2021 in connection with N.D.P.S. Case No. 02 of 2014 corresponding to Seizure Case No. 03/CL/NDPS/SLG/DRI/2013 Dated 30.01.2014 under Section 43(b) read with section 20(b)(ii) (c) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

And

In the matter of : Dhiraj Singh @ Ors.

.....Petitioners.

Ms. Amrapali Chaki

.....for the Petitioners.

Mr. Sudipto Majumder, ASG

.....for the Union of India

Mr. Ratan Banik,

....for the DRI

The petitioners are 5 out of 9 accused persons who were apprehended under the provisions of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. The petitioners say that they have been in custody for about 8 years.

The Union of India strongly opposes the prayer for bail.

Two of the accused persons had approached the Hon'ble Supreme Court. By an order dated October 6, 2021, in Special Leave to Appeal (Criminal) Nos. 4711-4712/2020 the Hon'ble Supreme Court granted bail to them subject to certain conditions. The petitioners say that they stand on the same

footing and they claim to be enlarged on bail on the ground of parity.

We have heard learned counsel for the parties and we have seen the material in the case diary. The brief facts are that the 9 accused persons were travelling in a truck and a Maruti Gypsy posing as army personnel with guns and in Army Uniform. On a tip off, they were intercepted and about 10000 kg of ganja was recovered from them.

The fact remains that all 9 accused persons were apprehended together and the recovery was made from their joint possession. They stand on the same footing. If the Hon'ble Supreme Court has been pleased to enlarge two of the 9 persons on bail, in our view, the present petitioners should also be granted the same privilege.

Accordingly, we direct that the petitioners, namely Dhiraj Singh, Rajesh Kumar Singh, Dipak Singh, Ram Samuj Yadav and Binay Pandey shall be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court (under Narcotic Drugs and Psychotropic Substances (NDPS) Act, at Jalpaiguri and on further conditions that they shall remain within the jurisdiction of the concerned police station and the petitioners shall deposit their passport before the Trial Court within a period of two weeks from date. The petitioners shall report to the

Officer-in-Charge of the concerned police station once a week until further orders.

The petitioners 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 petitioners fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners 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.)