

02.05.2023.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 889 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.3 of 2023 arising out of NCB Crime No.05/NCB/KOL/2023 under Sections 8 (c) read with Sections 20(b)(ii)(a), 21(b) and 29 of the NDPS Act.

In the matter of : Adarsh Kumar Jaiswal.

.... Petitioner.

Mr. Sandipan Ganguly, Id. Sr. Adv.,
Mr. Sourav Chatterjee,
Mr. Rabindra Kumar Jaiswal.

...for the Petitioner.

Mr. Kallol Kumar Bose,
Mr. Sagar Saha.

...for the NCB.

Petitioner is in custody for 99 days. It is alleged amount of cocaine recovered is below commercial quantity. Co-accused are on bail. He prays for bail.

Learned Advocate for the NCB opposes the bail prayer. He submits petitioner admitted his guilt in his statement under Section 67 of the NDPS Act. He is a part of the conspiracy to deal in imported cannabis and other drugs.

We have considered the materials on record. Amount of cocaine recovered from the petitioner is below commercial quantity. Co-accused viz., Ankit Sahal from whom imported cannabis was recovered is presently on bail. Statement of petitioner under Section 67 of the NDPS Act is inadmissible in view of *Tofan Singh Vs. State of Tamil Nadu* ¹. Complaint has

¹ (2021) 4 SCC 1

been filed, investigation is complete and passport has already been seized so far as the petitioner is concerned.

In view of the aforesaid circumstances, we are inclined to enlarge him on bail.

Accordingly, the petitioner viz., Adarsh Kumar Jaiswal 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 Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata and North 24-Paraganas and report to the Investigating Officer once in a week until further orders and co-operate with further investigation in accordance with law.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

