

D/L. 23
January 31, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 2 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with NDPS Case No. 78 of 2022 arising out of Bhaktinagar Police Station Case No. 614 of 2022 dated 14.06.2022 under Sections 21(c)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Suraj Biswakarma

.... Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

... for the State

The petitioner has made out a strong case for being entitled to bail in view of the fact that the petitioner is in custody for 321 days till now. It is further argued by the petitioner, justly, that the allegation levelled against the petitioner is rather flimsy inasmuch as merely 24 bottles of cough syrup were allegedly seized from the petitioner.

Learned counsel appearing for the State opposes the prayer for bail.

We find, *prima facie*, that the articles seized leave enough scope of doubt as regards whether the same were contraband articles being above commercial quantity. Moreover, keeping in view the period of detention of the petitioner till date, CRM (NDPS) 2 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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), at Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such persons from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

CRM (NDPS) 2 of 2023 is disposed of accordingly.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)