

D/L. 51
February 3, 2023
MNS

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

CRM (NDPS) 21 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 Alipurduar Police Station Case No. 185 of 2022 dated 15.04.2022 under Sections 22(C)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Furba Lama

.... Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about nine months. That apart, a co-accused standing on similar footing has already been enlarged on bail. It is further pointed out by learned counsel for the petitioner that, as it appears from the forwarding report of the SI, Sonapur Outpost under the Alipurduar Police Station, the allegation against the petitioner was that during interrogation he allegedly divulged that he was a financier of the consignment which was seized.

However, it is argued that the principal accused persons have already absconded and the petitioner was not found at the site of the occurrence. It is also contended by learned counsel for the petitioner that Column 10 of the memo of arrest reveals that one of the

constables, apparently a member of the raiding party, signed in the column, which is not acceptable in the eye of law.

Be that as it may, despite the State having opposed the prayer for bail of the petitioner, we find sufficient material as indicated above to grant bail to the petitioner.

Accordingly, CRM (NDPS) 21 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 person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)