

AD-12
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (NDPS) 68 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Pradhannagar Police Station Case No. 683 of 2021 dated 29.08.2021 under Section 20(b)(ii)(b) of the NDPS Act, 1985.

And

In the matter of: Saurabh Tigga @ Rana @ Saurav

.... petitioner

Mr. Arunava Paul

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioner contends that the petitioner is already in custody for about 527 days.

That apart, it is alleged that the provisions of Section 41B of the Code of Criminal Procedure have been contravened.

Thirdly, learned counsel for the petitioner submits that two FIRs were lodged on the same date against the petitioner on similar allegations.

Moreover, there are several alleged inconsistencies and contradictions in the process of investigation.

Learned counsel for the State opposes the prayer for bail and submits that the presumption under Section 37 of the NDPS Act applies.

However, in the circumstances as brought to light, we are inclined to grant bail.

Accordingly, CRM (NDPS) 68 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), Siliguri.

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.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)