

27.02.2023

Sl. No.86

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 219 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2023 in connection with Bagdogra Police Station Case No.476 of 2021 dated 24.09.2021 under Section 21(c) of the NDPS Act.

And

In Re: ***Umesh Chettri @ Chhetri***

... .. Petitioner

Mr. Joydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Ms. Rikta Sarkar

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Aniruddha Biswas

... .. for the State

It is submitted on behalf of the petitioner that he was illegally apprehended on 21.09.2021. Subsequently, he has been falsely implicated in the instant case. Co-accused viz. Raju Sk. @ Md. Raju Seikh has been enlarged on bail by a coordinate Bench of this court.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioner stands on the same footing with co-accused viz. Raju Sk. @ Md. Raju Seikh, who has been enlarged on bail by a coordinate Bench of this court. Hence, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Umesh Chettri @ Chhetri***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Siliguri subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)