

**In The High Court At Calcutta
Circuit Bench At Jalpaiguri**

03.03.2023
12
sdas
allowed

CRM (NDPS) No. 247 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri Kotwali Police Station Case No. 97 of 2020 dated 04.02.2020 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re : Rajkumar Chowdhury @ Choudhury petitioner

Mr. Biswarup Roy

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Aniruddha Biswas

..... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for more than three years. Co-accused Subhash Sarkar standing on the same footing with the petitioner has been enlarged on bail in CRM(NDPS) No. 218 of 2023. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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, Special Court under NDPS Act-cum-Additional Sessions Judge, 1st Court, Jalpaiguri, subject to

the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.

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

The application for bail is, accordingly, allowed.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)