

AD-20
Ct No.01
Jalpaiguri
22.09.2023
B.Pal

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

CRM (NDPS) 284 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.04.2023 in connection with Kotwali Police Station Case No. 369 of 2022 dated 10.06.2022, under Section 21(C) of the NDPS Act, 1985.

And

In the matter of: KRISHNA ROY

...Petitioner

Mr. Hillol Saha Podder,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy,

... for the State

1. Learned counsel for the petitioner contends that only about 21 bottles of cough syrup were recovered from the petitioner. The allegation levelled by the owner of the medicine shop was that the petitioner has committed theft of money and the said bottles.
2. It is argued that the petitioner is already in custody for about 456 days and is entitled to bail.
3. The prayer for bail is opposed by the State.

4. However, keeping in view the negligible quantity of cough syrup, although above commercial quantity, seized from the petitioner and in view of the period of incarceration, we are inclined to grant bail.
5. Accordingly, CRM (NDPS) 284 of 2023 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.5000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act, at Jalpaiguri.
6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. Further, the petitioner shall not, directly or indirectly, 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.)

(Uday Kumar, J.)