

10.05.2023
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(NDPS) 295 of 2023

In Re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973.

And

In the Matter of : Avijit Biswas & Anr.

.... petitioners.

Mr. Hillol Saha Podder,
Mr. Akashdeep Shil,
Ms.Mousumi Das

.....For the petitioners.

Mr. Sourav Ganguly,
Mr. Subhasish Misra

.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with NDPS Case No.147 of 2021 arising out of Matigara P. S. Case No. 1144 of 2021 dated 7th October, 2021 under Sections 21(c) of the Narcotics Drugs and Psychotropic Substances (NDPS) Act, 1985 pending before the Special Court (NDPS Act) at Siliguri, District- Darjeeling.

Learned advocate for the petitioner submits that the petitioner is in custody for about 1 year and 7 months. He further submits that 25 bottles of Chlorpheniramine Maleate and Codeine Phosphate syrup “Cefrex” cough syrup (each bottle containing 100 ml) have been recovered from possession of the petitioner no.1 and 20 bottles of

Chlorpheniramine Maleate and Codeine Phosphate syrup “Cefrex” cough syrup (each bottle containing 100 ml) have been recovered from possession of the petitioner no.2. He also submits that charge sheet has been submitted.

Learned advocate for the State opposes the prayer for bail.

After hearing the parties and considering the materials on record and those produced and keeping in mind the period of custody as also the quantity of contraband recovered, we allow this application for bail to the following conditions:

The petitioner no.1, Avijit Biswas and the petitioner no.2, Sharuk Alam @ Mehtab will be enlarged on bail upon furnishing a bond of Rs. 20,000/- (Two Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act) at Siliguri, Darjeeling on the following conditions:

1. The petitioners should be present in court on the dates when the trial is fixed.
2. They shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
3. They shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

4. The petitioners shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (NDPS) 295 of 2023] is, accordingly, disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)