

13.06.2023
Court No.01
Item No. 43
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (NDPS) 303 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 203/2022 dated 02.03.2022 under Section 23(c) of NDPS Act and under Section 25(1)(a)/27 of the Arms Act.

And

In Re: **Ratan Biswas**

Petitioner

Mr. Sourav Ganguly
Mr. Biswarup Ray

For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld APP
Mr. Kallol Nag

For the State

This is an application for bail.

Heard the learned counsel appearing for the parties.

Considering that a coordinate bench on 7th June, 2023 has granted bail to a co-accused person namely, Rintu Seikh @ Rintu Sk. In CRM (NDPS) 377 of 2023 and admittedly the present petitioner in the instant case is on the same footing as that of Rintu Seikh @ Rintu Sk. and the learned counsel for the State has also submitted that the present petitioner is standing on the same footing as that of the co-accused Rintu Seikh @ Rintu Sk., who was granted bail on 7th June, 2023 in CRM (NDPS) 377 of 2023, we allow the application for bail subject to fulfillment of the following conditions:

i) 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 subject to satisfaction of learned Additional Sessions and Special Judge, 1st Court (under NDPS Act) at Jalpaiguri.

ii) The petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;

iii) The petitioner shall not leave the station without the permission of the learned Special Judge, NDPS Court;

iv) The petitioner shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;

v) The petitioner shall attend the trial on every hearing, unless exempted in accordance with law;

vi) The petitioner shall inform the Special Judge as well as the Officer-in-Charge of the Police Station about his place of residence during bail and trial. Any change in the same shall also be communicated within 48 hours thereafter. Petitioner shall furnish details of his Aadhaar Card, Telephone Number, E-mail, PAN Card, bank Account Number, if any. The petitioner shall surrender his passport to the learned Trial Court. In the event he does not hold any passport, he shall file an affidavit to that effect before the learned Trial Court;

vii) The petitioner shall not indulge in any criminal activities. It is made clear that in case the petitioner is arraigned as an accused in future in any FIR, then this bail is liable to be cancelled. It is open for the 4 Investigating Agency to move appropriate application in that regard.

This shall also be considered as a negative factor for consideration of his future bail application, if any.

We, however, make it clear that the observations made are only prima facie and it is needless to mention that this order shall not influence the trial in any manner whatsoever.

The application for bail of the petitioner is allowed. CRM (NDPS) 303 of 2023 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)