

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

C.R.M.(NDPS) 310 of 2023

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

And

In the Matter of : Mintu Sarkar @ Sorkar
.... petitioner.

Mr. Hillol Saha Podder,
.....For the petitioner.

Mr. Nilay Chakraborty,
Mr. Chattu Roy
.....For the State.

1. This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with C.R. (NDPS) Case No.135 of 2022 arising out of Naxalbari P. S. Case No. 315 of 2022 dated 28th November, 2022 under Sections 21(c)/22(c)/29 of the Narcotics Drugs and Psychotropic Substances (NDPS) Act, 1985 pending before the learned Additional Sessions Judge, Special Court (NDPS Act) at Siliguri.
2. Learned advocate for the petitioner submits that the petitioner is in custody for 7 (seven) months. He further submits that the contraband seized from the possession of the petitioner is below commercial quantity.
3. Learned advocate for the State opposes the prayer for bail.

4. 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:
5. The petitioner 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:
 - (i) The petitioner should be present in court on the dates when the trial is fixed.
 - (ii) He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
 - (iii) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
 - (iv) The petitioner 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.
6. The application for bail CRM (NDPS) 310 of 2023 is, accordingly, disposed of.

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

