

05.06.2023
Court No.01
Item No. 65
Allowed
sg

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

CRM (NDPS) 331 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharibari Police Station Case No. 340 of 2022 dated 22.10.2022 under Section 21(c)/22(c) of the NDPS Act.

And

In Re: **Arun Roy**

Petitioner

Mr. Hollol Saha Podder
Ms. Mousumi Das

For the Petitioner

Mr. Nilay Chakraborty
Mr. Subhasish Misra

For the State

Although the prayer for bail was rejected earlier on 27th February, 2023 but it appears that before the earlier coordinate Bench, the chemical examination report was not produced. It also appears from the chemical examination report dated 3rd February, 2023 that the DPM derivative is of intermediate quantity and the other two substances seized are not narcotic substances.

On such consideration, we are of the view that the petitioner has made out a case of rebuttal of presumption under section 37 of the NDPS Act and accordingly, the prayer for bail of the petitioner is allowed.

We direct that the petitioner, namely, Arun Roy 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 Special Judge, Special Court at Siliguri under NDPS Act with a condition that the petitioner shall comply with the provision of Section 437(3) of the Code of Criminal Procedure

and the petitioner shall appear before the learned trial court on each and every date fixed unless there is compelling reason for such non-appearance till the conclusion of trial and the petitioner shall not intimidate the witness in any manner whatsoever. In the event of non-compliance of any of the conditions, the bail shall stand automatically cancelled without any further reference to this Court.

The application for bail of the petitioner is allowed. CRM (NDPS) 331 of 2023 is accordingly, disposed of.

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

(Raja Basu Chowdhury, J)

(Soumen Sen, J)