

09.06.2023

Ct.No. 1

Item No. 16

Sb / Saswata

Allowed

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

C.R.M. (NDPS) 388 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kalimpong PS case no. 311 of 2022 dated 22.12.2022 under Section 22(c) of the NDPS Act, 1985.

And

In the matter of : **Gobinda Barui**

...petitioner

Ms. Supriya Debnath

...For the petitioner

Mr. Tapan Bhattacharjee

Mr. Kallol Nag

....For the State

1. On perusing the materials on record and having considered the fact that narcotic substance above commercial quantity has been recovered from the petitioner, as transpired from the statement of the co-accused made before the police, which is inadmissible in evidence, we are of the opinion that the petitioner shall be granted bail on the following conditions:-

- i. We direct the petitioner to be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local to the

satisfaction of Learned Learned Judge,
Special Court under NDPS Act,
Kalimpong.

- ii. The petitioner shall attend each and every date of trial.
- iii. The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission of the Court.
- iv. The petitioner shall not intimidate the witnesses and tamper with the evidence in any manner whatsoever.
- v. In the event of non-compliance of any of the conditions enshrined above, the bail shall stand automatically cancelled without further reference to this Court.

2. CRM (NDPS) 388 of 2023 is, accordingly, **disposed of**.

3. 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.)

