

05.07.2023
Item no.64.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 469 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 12.06.2023 in connection with Birpara Police Station Case No. 163 of 2022 dated 12.10.2022.
And

In the matter of : Subrata Singha. Petitioner.

Mr. Debabrata Dhar,
Mr. Pradyot Kr. Roy,
Mr. A. Mitra, for the Petitioner.

Mr. Aditi Shankar chakraborty, Ld. APP,
Mr. Arjun Chowdhury for the State.

Heard learned advocate for the petitioner and learned
advocate for the State at length.

Chargesheet is stated to have been submitted. It is
submitted on behalf of the petitioner that considering the fact
that nothing has been seized from the possession of the present
accused petitioner the instant application for bail be considered
favourably.

On perusal of the chargesheet, it appears that the
investigating officer got the name of the present accused
petitioner from the versions of the accused persons who were
arrested on the spot and who have stated before the
investigating officer that the contraband belongs to the present
accused petitioner.

Keeping in mind that the confessional statement before the I.O. is not admissible in evidence and we are of the view that this is a fit case for exercise our discretion under Section 439 of the Code of Criminal Procedure

Accordingly, we direct that the petitioner, namely **Subrata Singha** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two registered sureties of like amount each, to the satisfaction of the learned Special Judge (NDPS Act), Jalpaiguri and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

