

13.07.2023
Item no.22
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) No. 491 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No.60 of 2023 Dated 9.3.2023 under Section 22(C) of the NDPS Act

And

In the matter of : Safikul Alam @ Safikul Haque @ Alam

.....Petitioner.

Ms. Madhushri Duttafor the Petitioner.

Mr. Kallol Acharjee,
Mr. Ujjwal Luksom,
Ms. Namrata Dasfor the State.

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

It is submitted on behalf of the petitioner that considering the fact that no contraband was seized from the possession of the present accused petitioner and also considering the fact that the present accused petitioner's name is alleged to have come to light from the statement of the co-accused person, the instant application for bail may be considered favourably.

Learned Advocate for the State though does not oppose such contention, but opposes the prayer for bail basically on the

ground that on 25.5.2023, similar prayer of the accused petitioner was rejected by a Coordinate Bench.

We have considered the rival submissions of the contending parties. Since there was no recovery from the possession of the petitioner, the restrictions in Section 37 of the NDPS Act stand diluted. Investigation has progressed substantially. Considering the entire scenario, we are inclined to take a lenient view towards the petitioner.

Accordingly, we direct that the petitioner, namely Safikul Alam @ Safikul Haque @ Alam 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 Judge, Special Court under the NDPS Act at Jalpaiguri, and on further condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and on further condition that the present petitioner shall not leave the territorial jurisdiction of Districts Jalpaiguri and Alipurduar till conclusion of trial unless permitted by the learned Trial Court 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.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)