

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

21.08.2023
Court No.1
(D/L 06)
(AK)

CRM (NDPS) 577 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 10.08.2023 in connection with Matigara Police Station Case No.621 of 2022 dated 27.05.2022 under Section 21(c) of N.D.P.S. Act, 1985.

And

In the matter of: **Sola Khan**

... Petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioner.

Mr. Nilay Chakraborty
Mr. Kallol Nag

... for the State.

The petitioner has been in custody for 477 days.

We find from the records that the prayer of the petitioner and a co-accused was rejected by a coordinate Bench on 6th February, 2023. However, after the rejection, the co-accused was granted bail by another coordinate Bench on 9th June, 2023 and one of the other two co-accused was granted bail by the NDPS Court on 18th August, 2022 and the other was granted anticipatory bail on 14th March 2023.

The fact of all the other co-accused being granted bail and anticipatory bail are significant subsequent events and are sufficient grounds for us to allow the prayer for bail of the petitioner and the

petitioner has been able to rebut the statutory restriction under Section 37 of the NDPS Act, 1985.

We also note the submission made on behalf of the petitioner that the recovery was made from the rear seat of the vehicle and that the vehicle was a private vehicle owned by one of the co-accused who was subsequently granted bail.

We are hence inclined to grant the prayer for bail.

We accordingly, direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties each of like amount, one of who must be local and to the satisfaction of the learned Special Judge, Special Court (NDPS Act, 1985), cum Additional Session Judge 2nd Court, Siliguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

C.R.M.(NDPS) 577 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)