

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

01.09.2023
Court No.01
Item No. 31
P.P./S.D.

CRM (NDPS) 588 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Sujan Das Bhim @ Sujan Das

...Petitioner

Mr. Sandip Dutta
Mr. Sourav Ganguly
Mr. Matan Chakraborty

....For the petitioner

Mr. Kallol Acharjee
Mr. Kallol Nag

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Siliguri Police Station Case No.1087 of 2022 dated 24.11.2022 under Sections 21(C)/22(C) of the NDPS Act, 1985.

Mr. Dutta, learned Advocate appearing for the petitioner submits that the petitioner is not in any way connected with the offence complained of in the First Information Report (FIR). The petitioner has been falsely implicated as he was only standing near a scooter from which the contraband articles were recovered. Furthermore, the petitioner has no criminal antecedents. He further submits that in a similar case, a Coordinate Bench of this Hon'ble Court granted bail in CRM (NDPS) 263 of 2023.

Mr. Acharjee, learned counsel appears on behalf of the State and submits that the scooter from which the contraband articles were obtained belonged to one Piyush Sethia. However, the said Piyush Sethia had transferred the said vehicle to the petitioner even though the name of the petitioner does not appear as the recorded owner in the documents. However, there is a direct nexus between the petitioner and the offence complained of. In such view of the matter, the bail application of the petitioner should be rejected.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that out of three substance recovered from the said scooter, only one contraband substance is above commercial quantity. The second substance is of intermediate quantity and third substance does not attract the provisions of the NDPS Act. On perusal of the contents of the chargesheet, it *prima facie*, appears that there are several discrepancies and the petitioner has no antecedents.

Therefore, this Court is inclined to grant bail to the petitioner.

This Court accordingly directs that the petitioner, namely, **Sujan Das Bhim @ Sujan Das**, 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 Judge, Special Court (NDPS Act), Siliguri.

It is further directed that the petitioner shall also attend the learned Court below on all the scheduled dates of the trial

and is required not to leave the jurisdiction of Siliguri Police Station without the leave of the authorities. The petitioner shall not induce the witnesses or influence them in any manner or tamper with the evidence.

It is made clear that in the event the conditions as stated above are not complied, without justifiable cause, the learned Court below would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the above observations and directions, the application for bail, being **C.R.M. (NDPS) 588 of 2023** is **disposed of.**

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)