

JPD-53
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 640 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Siliguri Police Station Case No. 57 of 2023 dated 25.01.2023 under Sections 21(c)/22(C)/29 of the NDPS Act corresponding to C.R. (NDPS) Case No. 06 of 2023.

And

In the matter of: Rakesh Paswan

.... petitioner

Mr. Subham Ghosh,
Mr. Mayank Roy

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Subhasis Misra

... for the State

1. Learned counsel for the petitioner contends that allegedly 6 bottles of Onereex cough syrup was recovered from the petitioner, which is not contraband article above commercial quantity at all. Moreover, the petitioner is already in custody for 223 days till the date of filing of the bail application.
2. Learned counsel for the State opposes the prayer for bail.
3. However, keeping in view the fact that the petitioner is already in custody for quite some time and the presumption under Section 37 of the NDPS Act is not applicable to the petitioner, we are inclined to grant bail to the petitioner.
4. Accordingly, CRM (NDPS) 640 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish

a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (NDPS Act), Second Court at Siliguri.

5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
6. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)