

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

**31.08.2023
Court No.01
Item No. 31
P.P./S.D.**

CRM (NDPS) 684 of 2023

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

And

In Re: Siddik Rahul Rana @ Siddique Rahul Rana
...Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

....For the petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Sourav Ganguly
Mr. Kallol Nag

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Boxirhat Police Station Case No.191 of 2018 dated 6.12.2018 under Sections 21(C)/22(C)/29 of the NDPS Act, 1985.

Mr. Saha Podder, learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of statement of co-accused persons made before a Police Officer, which is inadmissible in evidence. In support of his contention, he has placed reliance on a judgment delivered in the case of *Tofan Singh vs. State of Tamil Nadu* reported in (2021) 4 SCC 1. He further submits that the petitioner was also implicated in a proceeding being NCB Crime No. 44/NCB/Kol/2018 under Section 20(b)(ii)(C)/29 of

the NDPS Act. In the said case, the petitioner was arrested and as such he preferred an application for bail which was allowed on 12.7.2023 as his arrest was also on the basis of the statement of a co-accused person. Let the said order as produced be kept with the records.

Per contra, Mr. Nag, learned advocate appearing for the State submits that the petitioner had an antecedent and there are incriminating materials on record against him and as such his prayer needs to be refused.

Heard learned Advocates appearing for the respective parties and considered the materials in the case diary. It appears that in a proceeding arising out of the NCB Crime No. 44/NCB/Kol/2018, the petitioner was granted bail on 12.7.2023 by a Coordinate Bench of this Court primarily on the ground that his name transpired on the basis of the statement of the co-accused.

In the present case also, the petitioner's name has transpired on the basis of the statement of the co-accused before a Police Officer which is inadmissible in evidence. In view thereof, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Siddik Rahul Rana @ Siddique Rahul Rana**, 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 learned Additional

Sessions Judge (Special Judge under the NDPS Act), 1st Court, Coochbehar.

It is further directed that the petitioner shall not leave the jurisdiction of Boxirhat Police Station, save and except, for attending the Court below on all the dates as fixed for hearing and shall meet with the Officer-in-Charge of the Boxirhat Police Station once a week until further orders. He shall not tamper with the evidence or influence the witnesses.

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) 684 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.)