

JPD-39
Ct No.01
13.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 690 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Bhaktinagar Police Station Case No. 668 of 2023 dated 03.08.2023 under Sections 21(c)/25 of the NDPS Act, 1985, corresponding to NDPS Case No. 69 of 2022.

And

In the matter of: Surajit Sarkar @ Pintu

.... petitioner

Mr. Joydeep Kanta Bhowmik,
Ms. Rikta Sarkar,
Mr. Sayantan Bhowmik

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioner argues that the petitioner works in a medical store and was transporting the bottles-in-question. As such, it is argued that the petitioner, being a mere employee, was not carrying the relevant papers.
2. It is further submitted that only 20 bottles of the alleged contraband was seized, whereas the commercial quantity is about one kg.
3. Learned counsel for the State opposes the prayer for bail.
4. Keeping in view such mitigating circumstances, we are inclined to grant the benefit of bail to the petitioner.

5. Accordingly, CRM (NDPS) 690 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 Special Judge (NDPS Act)-cum-Additional Sessions Judge, First Court at Jalpaiguri.
6. 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.
7. 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.)