

D/L. 29.
September 18, 2023.
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 725 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Jaigaon Police Station Case No. 63 of 2022 dated 01.04.2022 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Raju Ram

.... Petitioner

Mr. Arnab Sengupta,
Mr. Deborshi Dhar,
Mr. Rajesh Kumar Sharma,
Mr. Janardan Periwai,
Mr. Riju Dey

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Sagnik Sankar Sikdar

... for the State.

1. Learned counsel for the petitioner has made out a strong case to cast doubt on the involvement of the petitioner in the alleged offence. First, the petitioner was arrested in the capacity of the owner of the offending vehicle from which the recovery was allegedly made. Surprisingly, although the driver and the helper, who were at the spot, escaped and have not been named in the charge-sheet for some unknown reasons.
2. That apart, we find from the statements under Section 161 of the alleged independent witnesses that the petitioner is not named therein.
3. Learned counsel appearing for the State opposes the prayer for bail and submits that the petitioner is a resident of different State and,

as such, there is chance of the petitioner escaping if enlarged on bail.

4. However, we find that in a previous order of rejection of bail of the petitioner recently, the co-ordinate Bench proceeded only on the premise that the petitioner was the only person at who could give evidence on the alleged offence. After such order dated August 22, 2023, however, the petitioner has been examined and interrogated and the entire process was videographed.
5. Hence, we do not find any further reason to incarcerate the petitioner further during the trial.
6. Accordingly, CRM (NDPS) 725 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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 under NDPS Act, Jalpaiguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court without the leave of the trial court during the entire period of trial and shall attend the trial on each and every date.
8. 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.)