

AD-14  
Ct No.01  
Jalpaiguri  
22.09.2023  
SP

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

**CRM (NDPS) 755 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with NDPS Case No. 23 of 2023 arising out of **Birpara** Police Station Case No. 25 of 2023 dated 02.03.2023 under Sections 21(c)/22(b)/25/29 of the NDPS Act, 1985.

And

In the matter of: DEBASISH DHAR @ RAMU

Mr. Sourav Kar

... for the petitioner

Mr. Kallal Acharjee  
Mr. Sourav Ganguly

... for the State

1. The petitioner makes out several grounds for the purpose of grant of bail.
2. First, the alleged independent witness whose name finds place in the memo of arrest was not mentioned in the charge-sheet. Secondly, the petitioner was arrested on the statement of a co-accused person. Thirdly, the petitioner submits that the petitioner was arrested at 3 a.m. in the dead of night, which contravenes the sunrise to sunset rule stipulated in the provisions of the NDPS Act itself.
3. Learned counsel for the State opposes the prayer for bail.

4. However, in view of the above circumstances, CRM (NDPS) 755 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act, at Jalpaiguri.
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.)**