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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 432 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with New Jalpaiguri Police Station Case No. 968 of 2021 dated 24.08.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : Biswajit Barman

... Petitioner

Mr. Sourav Ganguly,
Mr. Alok Sah

...for the Petitioner

Mr. Niloy Chakraborty,
Mr. Biswarup roy

.....for the State.

The contention of the petitioner, who is the owner of the commercial vehicle, which was seized with allegedly contraband articles, is that the petitioner had no knowledge or nexus with regard to the alleged offence at all. The petitioner, that is, the owner of the vehicle, is a resident of Cooch Behar. That apart, no FSL report was submitted prior to the charge sheet being filed.

Heard learned counsel for the prosecution.

It is submitted on behalf of the State that a supplementary charge sheet shall be filed by the State.

We find from the records and from the submissions of learned counsel that the petitioner is in custody since August, 2021. That apart, in view of sufficient doubt having been created with regard to the offence having been committed, in the light of the above observations, we are of the opinion that bail is to be granted to the petitioner.

Accordingly, CRM (NDPS) 432 of 2022 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bonds of Rs. 10,000/- (Rupees Ten Thousand), 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. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial except to attend court on the dates of trial. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)