

AD-11
Ct No.01
Jalpaiguri
01.02.2023
TN

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

CRM (NDPS) 450 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **23.12.2022** in connection with **NDPS Case No. 23 of 2022** arising out of **Siliguri** Police Station Case No. **207 of 2022** dated **19.02.2022** under Sections **21(C)/22(C)** of the **NDPS Act, 1985**.

And

In the matter of: **Ranjan Sarkar**

.... petitioner

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Mr. Bikash Singha,
Mr. Satyaki Basu

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Kollol Nag

... for the State

The petitioner was a mere employee in a pharmaceutical company and, according to the petitioner, was acting on instructions of superiors to take stock of various medicines. At that juncture, a police raid was held and the petitioner, along with his employer, were apprehended. Subsequently, the employer has died in custody.

Learned counsel for the petitioner submits that the petitioner was a mere employee and has already been in custody for 345 days. It is also submitted that the petitioner's employer had a due licence for dealing with such pharmaceutical products.

Learned counsel for the State opposes the prayer for bail on the ground that that the matter is one under the NDPS Act.

However, in view of the mitigating circumstances as discussed above, CRM (NDPS) 450 of 2022 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), Second Court at Siliguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not 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.)

(Rai Chattopadhyay, J.)