

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

02.04.2024
Court No.01
rpan / 16

CRM (NDPS) 92 of 2024

In Re: Sanjay Rai

- Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy
... for the Petitioner.
Mr. Kallol Acharjee,
Mr. Kallol Nag
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kalimpong Police Station Case No.152 of 2023 dated 22.11.2023 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since 22nd November, 2023 and there is no scope towards early conclusion of the trial. There was no recovery of any contraband substance from the possession of the petitioner and he was also not named in the FIR, however, his name transpired on the basis of the statement made by a co-accused person. Upon completion of investigation chargesheet has also been submitted.

The learned advocate appearing for the State denies and disputes the contention of the petitioner and submits that there was a money trail between the petitioner and the other co-accused persons and he is directly involved in the alleged

offence. Accordingly, the rigours of Section 37 of the NDPS Act are clearly attracted.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there was no recovery of any contraband substance from the possession of the petitioner at the time of his arrest on 22nd November, 2023. His name also did not feature in the FIR. On the basis of the statement made by a co-accused person, namely, Pramod Prasad, who is already in custody, the name of the petitioner transpired. In the said conspectus and taking into consideration the period of detention and as there is no reasonable apprehension that the petitioner would tamper with the evidence or influence the witnesses, we are of the opinion that his further detention is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the concerned learned Judge, Special Court (NDPS), Kalimpong with a further condition that he shall reside within the jurisdiction of Kalimpong Police Station and meet with the Officer-in-Charge, Kalimpong Police Station once in a fortnight till the conclusion of the trial and shall also

attend the learned trial court below on all the dates as fixed for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for bail being CRM (NDPS) 92 of 2024 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)