

22.04.2024
SL No.50
Court No.1
(gc)
(allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 143 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhaktinagar Police Station Case No.335 of 2023 dated 27.04.2023 under Section 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of : **Sonam Gurung**

- Petitioner.

Ms. Sristhi Sarker

....For the Petitioner.

Mr. Sourav Ganguly,

Mr. Kallol Nag

...For the State.

1. Learned Advocate for the petitioner submits that he is innocent and he has been falsely implicated.
2. Learned Advocate for the State, however, opposes the prayer for bail and submits that during raid, narcotic substances above the commercial quantity has been recovered from the petitioner.
3. Considering the materials available in the case diary and the statements of the witnesses recorded under Section 161 of the Cr.P.C. and the fact that nothing was recovered from the conscious possession of the petitioner as reveals from the statements of the seizure list witnesses, we are of the view that the petitioner is able to rebut the statutory

restriction under Section 37 of the NDPS Act. Moreover, the charge-sheet has already been filed and the charges have been framed.

4. In view thereof, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Additional District and Sessions Judge, Special Court (under NDPS Act), 1st Court, Jalpaiguri subject to the condition that he shall appear before the trial Court on each and every date of substantive hearing and shall not leave the jurisdiction of the trial Court unless permitted by the said Court.
5. Accordingly, the application for bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)