

14.05.2024
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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 327 of 2024
with
CRAN 1 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 280 of 2022 dated 28.11.2022 under Section 22(c) of the NDPS Act.

And

In Re : Puran Thapa @ Gurung & Anr. petitioners

Mr. Pronojit Roy
Mr. Sudip Guha

.....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Ujjwal Luksom
Mr. Subasis Misra

....for the State

In Re : CRAN 1 of 2024

1. Having heard the learned Counsels appearing for the respective parties and after perusing the averment made in the application for restoration, I hold that sufficient cause exists for recalling the order dated 24.04.2024

2. Accordingly, the order dated 24.04.2024 is recalled and the matter is restored to its original file and number.

3. The application for restoration being CRAN 1 of 2024 is, thus, allowed.

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4. Learned Counsel for the petitioners submits no narcotics was recovered from their possession. Investigation is complete. Accordingly, they pray for bail.

5. Learned Counsel for the State produces the case diary.

6. We have considered the materials on record. No narcotics was recovered from the possession of the petitioners. Their complicity has transpired from the statement of the co-accused before police officer which is inadmissible in evidence. Under such circumstances we are of the opinion petitioners have been able to rebut the statutory restrictions under Section 37 of the NDPS Act and they may be granted pre-arrest bail.

7. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

8. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

