

03.05.2024
Court No.01
Item No. 14

Allowed

sg

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

CRM (NDPS) 215 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gorubathan Police Station Case No.04 of 2023 dated 20.01.2023 under section 20(B)/22(b) of the NDPS Act.

And

In Re: **Subhas @ Subash Lohar**

Petitioner

Mr. Biswarup Ray
Ms. Supriya Debnath

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Kallol Nag

For the State

1. It is submitted on behalf of the bar that admittedly intermittent quantity of contraband was seized from the possession of the present accused petitioner.
2. However, the prayer for bail has been opposed on behalf of the State stating that the evidence of the PWs is going on and in the event the present accused petitioner is enlarged on bail, there is every chance that the trial would be vitiated.
3. We find from the case diary that the present accused petitioner is incarceration since January 20, 2023 while charge sheet was submitted on 31st March, 2023. Considering the long incarceration of the present accused petitioner, we are inclined to grant bail to the present petitioner.

4. We direct that the petitioner, namely, **Subhas @ Subash Lohar**, 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 Judge, Special Court (NDPS Act) at Kalimpong, with a condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provision of Section 317 of the Criminal Procedure Code and the petitioner shall not tamper with evidence and/or intimidate the witness in any manner whatsoever. In the event of non-compliance of any of the conditions, the learned Trial Court shall issue non-bailable warrant of arrest against the present petitioner.
5. We make it clear that the Investigating Officer shall ensure appearance of all the witnesses and production of the Alamats on each date of substantive hearing, failing which, the learned Trial Court will be at liberty to take appropriate coercive action against the prosecution witnesses as well as the police personnel.
6. The prayer for bail of the petitioner is allowed. CRM(NDPS)/215/2024 is, accordingly, disposed of.
7. 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)