

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

14.05.2024.
5/tkm

C.R.M. (NDPS) 225 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Birpara P.S case no. 28 of 2024 dated 12.2.2024 under sections 21(c)/25/29 of the NDPS Act

and
Allowed In the matter of : Krishna Gurung Petitioner

Mr. Supriya Debnath
Mr. B Roy

...for the Petitioner

Mr. Ujjwal Luksom
Mr. Saikat Chatterjee
Mr. Chattu Roy

...for the State

1. Petitioner is in custody for 90 days. He submits no narcotics was recovered from his possession. He prays for bail.

2. Learned lawyer for the State submits investigation is in progress.

3. We have considered the materials on record. No narcotics was recovered from the petitioner. His complicity has transpired from the statement of co-accused before police officer which is inadmissible in evidence. Though petitioner is in custody for 90 days no incriminating material has transpired during investigation.

4. Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under

section 37 of the NDPS Act and he may be granted anticipatory bail.

5. Accordingly, the petitioner 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 learned Judge, Special Court under NDPS Act, Alipurduar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

7. The application being CRM (NDPS) 225 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)