

JPD-2
Ct No.01
23.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 252 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 71 of 2024 dated 24.02.2024 under Sections 21(C)/27A/29 of the NDPS Act.

And

In the matter of: **Mithun Roy and another**

.... petitioners

Mr. Kalipada Das

... for the petitioners

Mr. Kallol Acharjee

Mr. Chattu Roy

... for the State

1. There are two gross mitigating circumstances in the present case to extend the benefit of bail to the petitioners.
2. First, the contraband articles were not seized from the petitioners but from other two co-accused persons.
3. Secondly, the petitioners were apprehended later on the basis of statements of the co-accused, which might be taken with a pinch of salt in view of the settled position of law regarding the status of the statements of co-accused persons.
4. Keeping in view such circumstances, we are inclined to grant bail to the petitioners.
5. Accordingly, CRM (NDPS) 252 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bonds of Rs.5000/- each, with two sureties of like amount

each, one of whom must be local, to the satisfaction of learned Sessions Judge Court at Alipurduar. The sureties may be common in respect of both the petitioners.

6. That apart, the petitioners shall meet the investigating officer once a fortnight and shall not leave the territorial jurisdiction of the prospective trial court throughout the period of trial and shall attend on each and every date of trial.
7. Also, the petitioners shall not commit any offence akin to that of which they are accused.
8. Further, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)