

JPD-05
Ct No.01
24.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 276 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 62 of 2024 dated 28.03.2024 under Sections 21(c)/29 of the NDPS Act.

And

In the matter of: **Mubarak Shekh @ Mobarak Sheikh**

.... petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

... for the petitioner

Mr. Abhijit Sarkar

Ms. Namrata Das

... for the State

1. There are two primary grounds on which bail is sought by the petitioner.
2. First, no narcotics were recovered from the petitioner. More importantly, the petitioner was arrested merely on the statement of a co-accused person.
3. In view of the above circumstances, we do not find any scope of applying the rigours of Section 37 of the NDPS Act in respect of the present petitioner, since the said petitioner does not stand on an equal footing with the principal accused.
4. Learned counsel for the State opposes the prayer for bail.
5. However, in view of the above observations, CRM (NDPS) 276 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 Sessions Judge cum Judge, Special Court (under NDPS Act, 1985), Alipurduar.

6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. Further, the petitioner 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.)