

JPD-21
Ct No.01
24.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 295 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharibari Police Station Case No. 101 of 2024 dated 05.04.2024 under Sections 21(c)/22(c) of the NDPS Act.

And

In the matter of: **Jaydev Mohanta**

.... petitioner

Mr. Hillol Saha Podder

... for the petitioners

Mr. Aditi Shankar Chakraborty

Mr. Sourav Ganguly

Mr. Dhiman Sil

... for the State

1. Learned counsel for the petitioner contends that although the total recovery was above commercial quantity, the recovery made individually from the person of the petitioner was below such quantity.
2. Learned counsel for the State opposes the prayer for bail and submits that the total recovery was much above the commercial quantity and the petitioner was in the act of carrying such contraband jointly with the other co-accused.
3. We are of the opinion, upon considering the circumstances of the case, that insofar as the petitioner is concerned, the recovery being below the commercial quantity, the rigour of Section 37 of the NDPS Act cannot be applied to him.

4. Keeping in view such circumstance, we are inclined to grant bail to the petitioner.
5. Accordingly, CRM (NDPS) 295 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bonds of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of Learned Judge, Special Court (under NDPS Act, 1985) cum Additional Session Judge, Second Court at Siliguri. The sureties may be common in respect of all the petitioners.
6. That apart, the petitioner shall meet the Investigating Officer once every week, shall not leave the territorial jurisdiction of the trial court throughout the period of trial, and shall attend each and every date of trial.
7. 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.)