

AD-53
Ct No.01
Jalpaiguri
24.07.2024
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 327 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with New Jalpaiguri Police Station Case No. 744 of 2023 dated 01/08/2023 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: MD. MUKIT ALAM @ MUKIT ALAM

. . . .for the petitioner

Mr. Kumar Shantanu, Adv.

... for the petitioner

Mr. Kallol Acharjee, Adv.

Mr. Dhiman Sil, Adv.

... for the State

1. Learned counsel for the petitioner points out that the principal accused, the owner of the vehicle who as per the charge-sheet had admitted his guilt (although such admission may not find much probative value in trial), and that such principal accused has already been released on bail by a previous order of a Coordinate Bench. As such, the petitioner, who was merely the driver of the vehicle, it is submitted, also ought to be enlarged on bail. It is submitted that the petitioner is only about 22 years of age and that itself is also to be considered as a ground for grant of bail.
2. Learned counsel for the State opposes the prayer and submits that the petitioner's previous prayer for bail has been rejected.

3. We find from the records that even as per the charge-sheet, one Mobarak Ali, the owner of the vehicle, had contact with drug peddlers of Siliguri and had admitted his guilt. Such Mobarak Ali having been granted the benefit of bail, there is no reason why the petitioner, who was the driver of the vehicle and stands on a lesser footing insofar as the offence is concerned, should be refused similar relief.
4. Accordingly, CRM (NDPS) 327 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court NDPS Act, Jalpaiguri.
5. 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.
6. 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.)