

JPD-12
Ct No.01
29.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 342 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalimpong Police Station Case No. 101 of 2023 dated 29.07.2023 under Section 22(c) of the NDPS Act.

And

In the matter of: **Binod Kumar Pradhan**

.... petitioner

Ms. Supriya Singh
Ms. Rishita Chakraborty

... for the petitioner

Mr. Biswarup Roy

... for the State

1. Learned counsel for the petitioner contends that the petitioner is already in custody for one year.
2. Till date, only one witness has been examined, who was one of the purported independent seizure witness at the time of seizure who, in his cross-examination, categorically admitted that the articles were shown to him at the police station, thereby obviating the scope of the seizure having been made in presence of the said witness at the spot of occurrence.
3. Thus, it is argued that sufficient doubt is created to dispel the rigours of Section 37 of the NDPS Act.
4. Learned counsel for the State vehemently opposes the prayer for bail and submits that the next date fixed in the trial Court is on October 17, 2024.

5. Upon hearing learned counsel, we are of the opinion that in view of the period spent by the petitioner in custody and no need for further custodial trial having been made out, and also since the very first prosecution witness has controverted the presumption of proper seizure in view of the statements made in his cross-examination, the benefit of bail should be granted to the petitioner.
6. Accordingly, CRM (NDPS) 342 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), Kalimpong.
7. 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.
8. 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.)