

JPD-13
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 344 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhaktinagar** Police Station Case No. **986** of **2023** dated **10.11.2023** under Sections **21(c)/22(c)/25/29** of the **NDPS Act**.

And

In the matter of: **Subham Dutta**

.... petitioner

Mr. Supritam Nag,
Ms. Trishna Roy,
Mr. Arko Sarkar

... for the petitioner

Mr. Tapan Bhattacharjee,
Ms. Sukanya Adhikary

... for the State

1. The petitioner contends that a co-accused person standing on similar footing was granted bail on July 25, 2024. Learned counsel also argues infraction of Rule 14 of the NDPS Rules, 2022 as well as that the petitioner is already in custody for 261 days.
2. Learned counsel for the State seriously opposes the prayer for bail and argues that the bar under Section 37 of the NDPS Act is applicable in the present circumstances. The recovery was made

in respect of not only above commercial quantity of cough syrup but also brown sugar and, as such, the gravity of the offence, it is argued, is serious.

3. Upon a careful consideration of the order dated July 25, 2024 granting bail to the co-accused person, we cannot make out any gross difference between the standing of the petitioner and the said co-accused vis-à-vis the alleged offence. In the said order as well, the infraction of Rule 14 of the NDPS Rules, 2022 was upheld *prima facie* for the purpose of bail. Moreover, since the two co-accused stand on roughly similar footing, there is no reason as to why on the ground of parity bail ought not to be granted to the petitioner, particularly keeping also in view the period of custody already undergone by the petitioner.
4. Accordingly, CRM (NDPS) 344 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 Special Court (NDPS Act)-cum-Additional Session Judge, First Court, 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.)