

JPD-72
Ct No.01
29.07.2024
S. Bag

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

CRM (NDPS) 363 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madarihat Police Station Case No. 85 of 2024 dated 22.06.2024 under Sections 17(b)/25/29 of the N.D.P.S. Act, 1985.

And

In the matter of: Bapi Alam

....petitioner

Mr. Kunaljit Bhattacharjee, Adv.
Mr. Arnab Saha, Adv.

... for the petitioner

Mr. Aditi Shankar Chakraborty, Adv.
Mr. Kallol Nag, Adv.

... for the State

1. Learned counsel for the petitioner points out that the quantity recovered from the petitioner was intermediate and as such the rigours of Section 37 of the NDPS Act are not applicable.
2. Heard learned counsel for the State who opposes the prayer for bail. However, keeping in view the mitigating circumstance as indicated above, we are inclined to grant bail to the petitioner.
3. In such view of the matter, CRM (NDPS) 363 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 learned Special Court (NDPS Act)-cum-Additional Sessions Judge at Alipurduar.

4. 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.
5. Moreover, the petitioner shall meet the investigating officer once a fortnight during the entire period of investigation and shall cooperate in every time with the investigation and thereafter shall attend each and every date of trial and throughout the period of investigation as well as trial, shall not leave the territorial jurisdiction of the trial Court without the leave of the jurisdictional court.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)