

JPD-75
Ct No.01
30.07.2024
S.Pal

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

CRM (NDPS) 366 of 2024

In Re: - An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Birpara Police Station Case No.183 of 2023 dated 12.12.2023 under Section 21(c) of the NDPS Act.

And

In the matter of: Premika Lal

...Petitioner

Ms. Mausumi Das

... for the petitioner

Mr. Nilay Chakraborty
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioner argues that a co-accused person standing on similar footing as the petitioner has already been enlarged on bail. That apart, no recovery was made from the petitioner but the petitioner was arrested merely on the statement of a co-accused person which is not sufficiently valid in the eye of law.
2. The prayer for bail is opposed by the State. However, in view of the mitigating circumstances as indicated by learned

counsel for the petitioner, we are of the considered view that the bar of Section 37 of the NDPS Act is not applicable to the petitioner.

3. Accordingly, CRM (NDPS) 366 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), Alipurduar.
4. 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.
5. 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.)