

JPD-62
Ct No.01
01.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 374 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jaigaon** Police Station Case No. **25** of **2024** dated **30.01.2024** under Sections **17(b)/29** of the **NDPS Act, 1985**.

And

In the matter of: **Bachchu Islam and another**

.... petitioners

Ms. Esha Acharya,
Mr. Sampad Das,
Mr. Kishan Chowdhury

... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Abhijit Sarkar,
Mr. Biswarup Roy

... for the State

1. Learned counsel for the petitioners argues that there was no recovery of contraband articles from the present petitioners. The petitioners were arrested merely on the statement of co-accused persons which does not have appropriate probative value in trial.
2. Learned counsel for the State opposes the prayer for bail.
3. However, in view of the mitigating circumstances as indicated above, we are unable to attach the bar of Section 37 of the NDPS Act to the present case.
4. Accordingly, CRM (NDPS) 374 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall

furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Sessions Judge, Special Court (NDPS Act), Alipurduar. The sureties may be common for both the petitioners.

- 5.** The petitioners 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 petitioners 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.)