

JPD-63
Ct No.01
01.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 375 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. **88** of **2024** dated **07.05.2024** 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. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioners submits that the petitioners were arrested on the basis of the statement of co-accused persons which is not valid in the eye of law. That apart, all the three co-accused persons in the present case have been enlarged on bail by previous orders of this court.
2. Learned counsel for the State opposes the prayer for bail and places reliance on the charge sheet and indicates that there are previous criminal antecedents of the petitioners.
3. In reply, learned counsel for the petitioners points out that the previous allegations, which are claimed to be antecedents, were also cases where the petitioners were incriminated on the basis of

the statement of co-accused persons, thereby diluting the validity of the said antecedents.

4. Upon a careful consideration of the materials, we are of the opinion that in view of the factors as submitted by learned counsel for the petitioners, the petitioners are entitled to get the benefit of relaxation from the rigours of Section 37 of the NDPS Act.
5. Accordingly, CRM (NDPS) 375 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.
6. 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.
7. 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.)