

22.08.2024.

Item No. 7

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (NDPS) No. 411 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 16.08.2024 in connection with Jaigaon Police Station Case No. 280 of 2022 dated 28.11.2022 under Section 22(c) of the Narcotic Drugs Psychotropic Substances Act, 1985.

And

In the matter of: **Sushanta @ Sukanta @ Takla Roy.**
...Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das. ...For the petitioner

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas.For the State

1. The application for bail is canvassed on the ground that no recovery has been made from the present petitioner. In fact, the co-accused from whom recovery was actually made was also on anticipatory bail.

2. Reference to an order of a Co-ordinate Bench of this Court dated 14th May, 2024 passed in C.R.M. (A) No. 327 of 2024 wherein it was held that in the absence of the recovery being made from the applicant, the restriction under Section 37 of the Narcotic Drugs Psychotropic Substances Act, 1985 do not apply.

3. Counsel for the State vehemently opposes the prayer for bail. It is stated that the petitioner is the kingpin of the

racket involved in the present offence under the Narcotic Drugs Psychotropic Substances Act, 1985.

4. These are the matters to be proved in course of trial.

5. In the facts and circumstances of the case as aforesaid, this Court is inclined to enlarge the petitioner on bail.

6. Let the petitioner be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act, 1985, Jalpaiguri subject to the condition that after release, the petitioner shall attend the Court below on all the dates, as specified for hearing.

7. It is made clear that in the event the petitioner fails to comply with the aforesaid direction without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

8. C.R.M. (NDPS) No. 411 of 2024 is, thus, disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)

