

1009
2024

TUESDAY

COURT : 01
ITEM : 02
MATTER : 439
STATUS : ALLOWED
BENCH ID : 1430
TRANSCRIBER : NANDY

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 420 of 2024

In Re:- An application for **Bail** under section **439** of the Code of Criminal Procedure filed on August 13, 2024 in connection with Falakata Police Station Case No. 184 of 2024 dated 02.05.2024 under Sections 18(b)/25/29 of the Narcotic Drugs & Psychotropic Substance (NDPS Case No. 23 of 2024).

And

In the matter of : **SRIBAS MONDAL @ SERIBAS MONDAL**

.....Petitioner

Ms. Suman Sehanabis, Advocate

Mr. Salok Sah, Advocate

Ms. Anwesha Chakraborty, Advocate

.....for the Petitioner

Mr. Saikat Chatterjee, Advocate

Mr. Chattu Roy, Advocate

.....for the State

1. The petitioner has been taken into custody on the statement of the co-accused from whom the commercial quantity of contraband (opium) was recovered by the raiding team. The petitioner is in custody for nearly 130 days and the charge-sheet has not yet been submitted.
2. It is submitted by the Counsel for the State that the petitioner is a stockist of the contraband and the person from whom the contraband was recovered, disclosed the name and, thereafter, the petitioner has been apprehended. It is further submitted that the investigation is still in progress and the statutory period for submission of the charge-sheet has not expired as yet.
3. We are conscious that a person has to pass the muster of Section 37 of the Narcotic Drugs & Psychotropic Substances Act provided the contraband above the commercial quantity is recovered from his possession and, there is no

explanation offered in this regard. We are further aware of the realities that the persons who are in the helm of SUCH affairs having a direct nexus should also be dealt with provided incriminating materials have been found and/or unearthed during the investigation. There is no link as of now established by the Investigating Officer except the statement of the co-accused which is not a reliable piece of evidence. Therefore, we do not think that any further custody of the petitioner is required for completion of the investigation.

4. The prayer for bail is thus allowed.
5. Accordingly, the petitioner namely **Sribas Mondal @ Seribas Mondal**, shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Sessions Judge (under NDPS Act), Alipurduar with condition that he shall meet the Investigating Officer everyday between 10.00 am and 12.00 noon and shall also remain within the jurisdiction of Falakata Police Station and shall not depart therefrom without prior leave of the Investigating Officer until the charge-sheet is submitted.
6. The application being **CRM (NDPS) 420 of 2024** is **disposed of**.

(Harish Tandon, J)

(Apurba Sinha Ray, J)