

06.11.2024
Item no. 58.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 462 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 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 : Anup Lama

.....Petitioner.

Mr. Arnab Saha for the Petitioner.

Mr. Nilay Chakraborty, ld. APP
Mr. Sourav Ganguly for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 281 days. Intermediate quantity of prepared opium was allegedly recovered from his house. Two other accused persons have been granted bail by this Court. Charge sheet has been submitted. There is no reason to detain him in judicial custody any further.
2. Opposing the prayer, learned State Counsel says that this petitioner is the prime accused. He is a dealer in drugs. November 11, 2024, has been fixed as the date for consideration of charge. All efforts will be made to expedite the trial.

3. Since intermediate quantity of contraband item is involved, the restrictions in Section 37 of the NDPS Act shall not apply. Considering that investigation is complete and charge sheet has been filed, we are of the view that no useful purpose will be served by further detaining the petitioner in judicial custody. There are 12 charge sheet named witnesses and charge is yet to be framed. An early conclusion of the trial is unlikely.
4. Hence, we are inclined to allow this application for bail.
5. Accordingly, we direct that the petitioner, namely **Anup Lama** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Alipurduar and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioner's bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)