

27. 07.11.2024
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (NDPS) 473 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **New Cooch Behar GRPS** Police Station Case No. **14/2022** dated **27.08.2022** under Sections **20(b)(ii)(B)** of the NDPS Act, 1985.

And

In the matter of: - **Akhilesh Raj**

...petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Kallol Acharjee
Mr. Arjun Chowdhury

...for State.

Dictated by Arijit Banerjee, J.

1. 10 Kgs. of *ganja* (intermediate quantity) was allegedly recovered from this petitioner who is the sole accused. He was arrested. Thereafter he was granted bail by the learned Trial Court. He says that because of some personal difficulty he could not attend the trial and Warrant of Arrest was issued against him. He surrendered before the learned Trial Court. He is in custody now for 110 days. He prays for bail.
2. Learned State Advocate opposes the prayer for bail and says that once he has breached the conditions of bail. He should not be shown any leniency. However, he admits that

intermediate quantity of contraband was allegedly recovered from this petitioner.

3. Since intermediate quantity of contraband item is involved, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, will not apply. We take a lenient view and are inclined to accept the petitioner's case that because of personal difficulty he could not attend the Trial Court. We also take note of the fact that he voluntarily surrendered before the Trial Court.
4. On an overall assessment of the facts and circumstances of the case, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Akhilesh Raj** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act-cum-Additional Sessions Judge, 1st Court, Cooch Behar, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall reside within the jurisdiction of the

learned Trial Court and shall furnish his present address to the Inspector-in-Charge of Kotwali Police Station and shall also report to the Inspector-in-Charge of the said Police Station once every week, until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 473 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)