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11-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (NDPS) 505 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jaigaon Police Station Case No. 127 of 2024 dated 22.06.2024 under Sections 21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Saran Thapa.

.... Petitioner.

Mr. Subhankar Dutta,
Mr. Somdutta Patra,

... For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Sanjib Das,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 142 days. There was no recovery of contraband items from him. He has been implicated solely on the basis of statements made by co-accused persons. He prays for bail.
2. Learned State advocate says that commercial quantity of cough syrup containing codeine phosphate along with SPM-PRX+ Capsules was seized from one of the accused persons. However, there was no recovery from this petitioner. It is true that this petitioner has been implicated on the basis of the statement made by the co-accused persons.
3. In view of the aforesaid, we are of the opinion that the restriction in Section 37 of the NDPS Act stands sufficiently diluted.

4. On an overall assessment of the materials on record, we are of the view that it may not be necessary to continue the custodial detention of the petitioner.
5. Accordingly, we direct that the petitioner, namely, **Saran Thapa** shall 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 the NDPS Act), 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 said 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 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.)