

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

26.11.2024
Item No.22
Court No.1
(GB)
(Allowed)

CRM (NDPS) 512 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Nagrakata** Police Station Case No.**168/2023** dated **08.11.2023** under Section 21(a)/22(a) of NDPS Act, 1985.

And

In the matter of: **Rabi Oraon**

....Petitioner.

Mr. Kumar Shantanu,
Ms. Puja Chakraborty,
Ms. Nikita Paul

...for the Petitioner.

Mr. Kallol Charjee,
Mr. Kallol Nag.

... for the State.

1. The petitioner prays for bail on the ground that the owner of the vehicle who was the kingpin, had been granted anticipatory bail by a coordinate Bench. It is further submitted that the petitioner is in custody for more than a year and there is no scope for early conclusion of trial. The petitioner was a mere employee. He refers to the charge-sheet to justify that the prosecution case revolves around the owner.
2. The learned advocate for the State submits that the owner was granted anticipatory bail as the contraband article was not recovered from the owner's possession. Reliance has been placed on the case diary and the charge-sheet. It is submitted that Section 37 of the NDPS Act would be a bar.
3. We have perused the contents of the charge-sheet. Prima facie, we find that the petitioner's prayer is justified. Moreover, there are 25 witnesses cited in the charge-sheet. The charge-sheet was filed on April 24, 2024, but charges have not yet been framed. This Court does not find that there

is any possibility of early conclusion of trial. The provisions of Article 21 of the Constitution of India is pressed into service in this case and the statutory embargo under Section 37 of the NDPS Act stands overridden.

4. Under such circumstances, we are inclined to grant bail to the petitioner. The petitioner be enlarged on bail upon furnishing a bond of Rs.10,000/- 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, 1st Court at Jalpaiguri. The petitioner shall appear before the learned trial court on each and every date of hearing and shall not intimidate the witnesses or tamper with any evidence. The petitioner shall not leave the jurisdiction of the trial court. In case of failure to comply with the above directions, the learned trial Judge shall be entitled to cancel the bail without further reference to this Court.
5. The application for bail, being CRM (NDPS) 512 of 2024 is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)