

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

26.11.2024
Item No.27
Court No.1
(GB)
(Allowed)

CRM (NDPS) 517 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 **NJP GRPS** Police Station Case No.11/2024 dated 11.10.2024 under Sections 8(c)/20(b)(ii)(c)/29 of NDPS Act, 1985.

And

In the matter of: **Mojammel Hoque @ Moinuddin @ Monsur**

....Petitioner.

Mr. Jaydeep Kanta Bhowmik,

Mr. Sayantan Bhowmik,

Mr. Shubham Kumar,

Ms. Sayantani Das,

Ms. Priti Das

...for the Petitioner.

Mr. Nilay Chakraborty,

Mr. Biswarup Roy

... for the State.

1. The petitioner is in custody for 40 days. It is submitted that no narcotic substance was recovered from his possession. The petitioner is not an FIR named accused.
2. The learned APP strongly objects to the prayer for bail on the ground that it is an early stage of investigation.
3. We have perused the materials on record. Admittedly, no narcotic substance was recovered from the possession of the petitioner. He is also not an FIR named accused. His name transpired from the statement of a co-accused, made before the police officer. Such statement is inadmissible. It also appears that even though the petitioner was in police custody for three days, not much information has been gathered.
4. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory prohibition under Section 37 of the NDPS Act and he may be granted bail. The petitioner be enlarged 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 NDPS Act at Jalpaiguri (learned Additional Sessions Judge, 1st Court, Jalpaiguri). The petitioner shall meet the Investigating Officer of the NJP GRPS Police Station once a week until further orders and he shall not intimidate the witnesses or tamper with any evidence. In case of failure to comply with the above directions, the jurisdictional court shall be entitled to cancel the bail without further reference to this Court.

5. The application for bail, being CRM (NDPS) 517 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.)