

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1891 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 **Barasat** Police Station Case No.**259/2024** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985 and under Section **25(i)(a)** of the Arms Act.

And

In the matter of: - **Pranab Bar.**

...petitioner.

Mr. Sastata Gopal Mukerji, Sr. Adv.
Mr. Saryati Dutta,
Ms. Debadrita Mondal

...for the petitioner.

Mr. Ranadeb Sengupta,
Mr. Sandip Kundu

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery of narcotics from him. He has been implicated on the basis of statements made by co-accused persons.
2. Learned State advocate says that the petitioner was apprehended in connection with another NDPS case on June 28, 2024. He was shown arrested in this case on July 2, 2024.
3. We see from the records that nothing was recovered from this petitioner. His implication is on the basis of statements made by co-accused persons before Police Officers, which are not admissible in evidence.

4. Therefore, in our view, the petitioner has been able to rebut the restrictions under Section 37 of the NDPS Act.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Pranab Bar** 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 learned *Additional District & Sessions Judge, 6th Court (NDPS)*, Barasat, North 24 Parganas. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the Barasat Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.
7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (NDPS) 1891 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)