

27.01.2025

Ct. No.1

Sl. No.8

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 2 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 14.01.2025 in connection with Kharibari Police Station Case No.375 of 2024 dated 04.12.2024 under Sections 21(b)(c)/29 of the NDPS Act. (NDPS Case No.88 of 2024)

And

In Re: ***Biswajit Singha @ Biswajeet Singha***

... .. Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Dr. Arjun Chowdhury

... .. for the State

1. Heard learned Advocates for both the parties.
2. Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.
3. We have considered the materials on record. Petitioner is in custody for about 35 days. His complicity has transpired from statement of co-accused before police office which is inadmissible in evidence. During his custody, no legally tangible incriminating evidence has transpired. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be enlarged on bail.
4. Therefore, the accused/petitioner, namely ***Biswajit Singha @ Biswajeet Singha***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional Sessions Judge, 2nd Court, Siliguri subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)