

10.02.2025
Court No.01
rpan / 02

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

CRM (NDPS) 8 of 2025

In Re: Jakir Hossain

- Petitioner

Mr. Prajnadeepta Roy,
Mr. Sabir Ali,
Ms. Sohini Kundu,
Mr. Debojyoti Goswami
... for the Petitioner.
Mr. Abhijit Sarkar,
Mr. (Dr.) Arjun Chowdhury
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Dinhata Police Station Case No.347 of 2018 dated 29.08.2018 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS-68/18].

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was no recovery of contraband substance from the exclusive possession of the petitioner and he has been falsely implicated alleging that contraband substance was recovered from his residence. He is suffering incarceration since the month of August, 2024 and in the said conspectus, further detention of the petitioner may not be necessary and he may be granted bail on any stringent condition moreso when upon completion of investigation chargesheet has already been filed.

Mr. Sarkar, learned advocate appearing for the State disputes such contention and submits that there are strong

incriminating materials on record against the petitioner and he has antecedent of involvement in other offences and as such, his prayer for bail needs to be rejected.

In reply, Mr. Roy submits that the petitioner has already been granted anticipatory bail in the case referred to by the learned advocate appearing for the State.

It appears that there was no recovery of contraband substance from the exclusive possession of the petitioner and *prima facie* the petitioner has been able to demonstrate with reasonable certainty and that he is not guilty of the offence. Considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that it would not be appropriate to deny the petitioner's prayer in spite of the statutory restrictions, moreso when upon completion of investigation chargesheet has already been submitted.

In view thereof, we direct that the petitioner shall be released 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 Additional Sessions Judge, 1st Court, Cooch Behar (NDPS), with a further condition that he shall appear before the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not intimidate/influence the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial Court would be at liberty to cancel his bail without any further reference to this Court.

The application for bail, being CRM (NDPS) 8 of 2025 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)