

10.02.2025
Court No.01
rpan / 03

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

CRM (NDPS) 9 of 2025

In Re: Kaushal Singh

- Petitioner

Mr. Sourav Ganguly,
Mr. Bibek Tarafder,
Mr. Gopal Roy,
Ms. Rishita Chakraborty
... for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy
... for the State.

The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred in connection with Kotwali (Coochbehar) Police Station Case No.731 of 2024 dated 16.07.2024 under Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Case No.42 of 2024].

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner was not named in the FIR. His name has transpired on the basis of the statement of co-accused persons. Upon completion of investigation, chargesheet has been filed and as such, further detention of the petitioner may not be necessary when he has already suffered incarceration for about 133 days. In support of such contention, reliance has been placed upon a judgment delivered by the Hon'ble Supreme Court in the case of *Rabi Prakash Vs. State of Odisha*, reported in 2023 SCC onLine SC 1109.

Mr. Luksom, learned advocate appearing for the State opposes such prayer of the petitioner and submits that the petitioner was the supplier and he has antecedents. There are strong incriminating materials on record against the petitioner and as such, his prayer for bail needs to be rejected.

Such contention of Mr. Luksom has been denied by Mr. Ganguly, in reply.

Considering the nature of allegations and having regard to the fact the name of the petitioner has transpired on the basis of the statements made by co-accused persons, we are of the opinion that the petitioner has been able to rebut the presumption under Section 37 of the NDPS Act. In the said conspectus, further detention of the petitioner may not be necessary, moreso when he has suffered incarceration for about 133 days and since upon completion of investigation chargesheet has been filed.

Accordingly, 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) 9 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.)