

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

12.02.2025
Court No.01
rpan /14

CRM (NDPS) 33 of 2025
In Re: Dhaneshwar Barman @ Chotku
@ Danswar Barman
- Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy
.... for the Petitioner.
Mr. A. S. Chakraborty, Ld. APP
Mr. Aniruddha Biswas
...for the State

The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred in connection with Kharibari Police Station Case No.234 of 2024 dated 24.07.2024 under Sections 21(c)/22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [C.R. (NDPS) Case no.56 of 2024].

The learned advocate appearing for the petitioner submits that there had been no recovery of contraband substance from the possession of the petitioner and his name has transpired on the basis of co-accused statement. As such, the statutory restrictions are not attracted. The petitioner has already suffered incarceration from more than 30 days and upon completion of investigation, chargesheet has also been submitted. In view thereof, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

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

In reply, the learned advocate appearing for the petitioner submits that the case referred to by Mr. Biswas is not in respect of any provision under the NDPS, Act.

Prima facie, it appears that in course of investigation raid was conducted at the house of the petitioner but nothing was recovered. His name has transpired on the basis of the co-accused statement and as such, the statutory restrictions are not attracted. Considering the period of detention and since upon completion of investigation, chargesheet has already been submitted, we are of the opinion that further detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely, **Dhaneshwar Barman @ Chotku @ Danswar Barman** 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 Judge, Special Court (NDPS Act), 2nd Court, Siliguri with a further condition that he shall not leave the jurisdiction of the Kharibari Police Station, save and except for attending the learned trial Court on all the dates as fixed for hearing.

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

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

With the above observations and direction, the application for bail, being CRM (NDPS) 33 of 2025, is 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.)