

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

18.02.2025

Court No.01
rpan /19

CRM (NDPS) 58 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mathabhanga Police Station Case No. 384 of 2024 dated 31.05.2024 under Sections 21(C)/22(b)/25/29 of the Narcotic Drugs and Psychotropic Substances Act [NDPS Case No.34 of 2024];

And

In Re: Md. Kalam Sk

- Petitioner

Mr. (Dr.) Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury,
Ms. Riya Agarwal

.... for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das

...for the State

Mr. (Dr.) Chowdhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated, as would be explicit from the examination of the two seizure list witnesses. He has already suffered incarceration for about 234 days and in the said conspectus, further detention may not be necessary and he may be enlarged on bail on any stringent condition. It is not a case that in numerous prior rounds there emerged enough reason to believe that the petitioner was, *prima facie*, guilty of the accusations. The present application is the first application before this Court.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from the possession of the petitioner, who was driving the vehicle and that as such, the statutory restrictions are clearly attracted.

He further submits that trial is continuing and examination of other witnesses is still pending and that as such, at this stage, the petitioner may not be enlarged on bail.

We have heard the learned advocates and perused the materials in the case diary, including the deposition of the witnesses named in the seizure list. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his further detention may not be necessary.

Accordingly, we direct that the petitioner, namely, **Md. Kalam Sk** 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, (NDPS), Cooch Behar with a further condition that he shall not leave the jurisdiction of the Mathabhanga 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 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) 58 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.)