

01.05.2025

Sl. No. 10

Court No.3

BM

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 155 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023

And

In the matter of : RAHUL SINGH

... Petitioner

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

... for the petitioners

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

... for the State

1. The petitioner's prayer for bail in this case arises out of an order dated 24.03.2025 passed by the learned Judge, Special Court (under NDPS Act) 1st Court at Jalpaiguri, rejecting the petitioner's prayer for bail in connection with Bhaktinagar Police Station case No.1134 of 2024 dated 04.12.2024 under Section 21(c)/25/29 of the NDPS Act and corresponding to NDPS Case No.75 of 2024.

2. It is the case of the petitioner that he had been granted interim bail and he has not misused his liberty (interim).

3. It appears that interim bail was granted to the petitioner due to a bereavement in his family and to perform the rituals.

4. The petitioner now prays for regular bail.

5. The State has placed the case diary wherein it appears that sixty bottles of cough syrup containing codeine phosphate was recovered from his possession as seen from the seizure list and the memo of arrest which shows that his wife was informed about the petitioner's arrest.

6. The petitioner has relied upon an **order dated 04.11.2022 of a Coordinate Bench passed in CRM(NDPS) 293 of 2022, Anil Basfore vs. State of West Bengal**, wherein the court granted bail on the following findings:-

*“ The petitioner is implicated in offence punishable under Section 21(c) of the NDPS Act. On the ground that **40 bottles of cough syrup** were seized from the possession of the petitioner.*

*Taking into consideration the facts and submissions in the case, factum of permanent residence of the petitioner, quantity of cough syrup seized and especially the fact that the petitioner is a carrier and there is no past record of criminal antecedent against him, it is directed that the petitioner shall be **released on bail** by learned Judge, Special Court(under NDPS Act), Jalpaiguri in NDPS Case No.69 of 2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the case.”*

7. Considering the said fact and also on the ground of parity, the period of detention, the accused **Rahul Singh** be released on bail upon furnishing bond of Rs.20,000/- with two registered sureties of Rs.10,000/- one of which must be local to the satisfaction of the learned Judge, Special Court (under NDPS Act) 1st Court at Jalpaiguri on further condition that he shall attend court on each and every date fixed during trial, unless exempted and shall not tamper with any evidence and/or threaten any witness during pendency of the trial.

8. The petitioner shall also not leave the jurisdiction of District Jalpaiguri without prior permission of the learned court NDPS Act, Jalpaiguri until further order.

9. The application for bail is accordingly disposed of.

10. There will be no order as to costs.

11. All connected applications, if any, stand disposed of.

12. Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Shampa Dutt (Paul), J.)