

Item No.20

Ct.No.02

rc.

Allowed

C.R.M. (NDPS) 210 of 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NJP PTN Police Station Case No. 32 of 2025 dated 16.01.2025.

And

In Re : **Subhash Chandra Barman @ Subhash Barman**
... Petitioner

Mr. P. Roy
Mr. NBaser Ali
Mr. Rajan Raj
Mr. Debojyoti Goswami ... for the Petitioner

Mr. Abhijit Sarkar
Ms. Sukanya Adhikary ... For the State

The petitioner seeks parity with co-accused Sumita Barman who has been granted bail by this Court earlier.

Learned counsel for the petitioner submits that no recovery has been made from the petitioner and he has been falsely implicated.

Learned counsel for the State opposes the prayer.

Though some recovery has been shown from the petitioner in the seizure list, the FIR which is the anvil of initiation of the proceedings differs from the seizure list. The FIR clearly states that the contraband articles were seized

from two other co-accused and not the petitioner herein. Charge sheet has been submitted.

In view of the material available against the petitioner, this Court is inclined to hold that restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substance Act, 1985 are not attracted and the petitioner is entitled to bail.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Subhash Chandra Barman @ Subhash Barman**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that he shall remain within the jurisdiction of New Jalpaiguri Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)