

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

19.08.2019.
09.
as
(Allowed)

C.R.M. 616 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2019 in connection with N.D.P.S. Case No.19 of 2017 arising out of NCB Crime No.15/NCB/KOL/2017 under Sections 8 (c)/18 (C)/29 of the N. D. P. S. Act.

In the matter of : Sharat Biswas @ Sarat Biswas.
... Petitioner.

Mr. Hillol Saha Podder.
...for the Petitioner.

Mr. Rajdeep Biswas.
...for the NCB.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for two years and three months and there is very slow progress in the trial of the case. He, accordingly, renews his prayer for bail.

Learned Advocate appearing for the NCB opposes the prayer for bail and submits that recording of prosecution evidence is in progress.

We have considered the materials on record. We find that the petitioner has been charged with the possession of 850 gms. of opium which is below commercial quantity and in view

of the nature of allegations and bearing in mind the protracted period of detention suffered by the petitioner and as there is little likelihood of the trial to be concluded in the near future, we are inclined to grant bail to the petitioner, however, subject to strict condition.

Accordingly, the petitioner, namely, Sharat Biswas @ Sarat Biswas 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 under the NDPS Act, Cooch Behar subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and/or commit similar offence in future and on further condition that the petitioner while on bail shall not leave the jurisdiction of Ghoskadanga Police Station except for the purposes of investigation and/or attending court proceedings until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.616 of 2019, is disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)

