

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

19.08.2019
tkm/ct 1
sl no. 18

C.R.M. 636 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 24.7.2019 in connection with Dinhata P.S Case no. 347 of 2018 dated 29.8.2018 under sections 21(c) of the NDPS Act
And

Allowed

In Re : Najir Hossain petitioner

Mr. Kalipada Das
..... for the petitioner

Mr. A. K. Sarkar
Mr. B Roy
..... for the State

Petitioner is in custody for more than 180 days and it is submitted that no application for extension of the period of detention under the proviso of section 36 A(4) of the NDPS Act has not been filed. Hence he is entitled to statutory bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was dealing in narcotic substance above commercial quantity. He, however, admits application for extension of statutory period of detention had not filed.

Although the allegations against the petitioner are grave, we note that the petitioner is in custody for more than 186 days and no application for extension of the statutory period of detention under the proviso of section 36 A(4) of the NDPS Act was filed in this case.

Accordingly, we observe that the petitioner is entitled to statutory bail.

Accordingly, the petitioner 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 CJM, Cooch Behar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 636 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)