

27
22.03.2021
AKG
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM 157 of 2021
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri GRP Police Station Case No. 24 of 2002 dated June 5, 2002 under Sections 20/21 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Babu Das & Anr.

.... Petitioners.

Ms. Jeenia Rudra

... For the Petitioners

Mr. Sourav Ganguly,
Mr. Biswarup Roy

... For the State

Learned counsel appearing for the petitioners submits that although the petitioners had been enlarged on bail in the year 2002, warrant of arrest was issued subsequently, upon which the petitioners were arrested in the year 2020. It is submitted that the trial has not yet commenced since the records were not traceable.

Learned counsel representing the State opposes the prayer for bail and submits that the records have now been traced out.

However, it appears that the trial has been unnecessarily delayed due to no fault of the petitioners. As such, keeping in mind the period of detention after the re-arrest, that is, 227 days, we are of the opinion that bail ought to be granted to the petitioners.

Accordingly, CRM 157 of 2021 is allowed hereby granting bail to the petitioners on condition that the petitioners furnish bonds of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of

like amount each, to the satisfaction of the learned Judge, Special Court (NDPS), Jalpaiguri.

The petitioner shall not make, directly or indirectly, any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing such facts before any police officer or the court and/or tamper with evidence.

Further, the petitioner shall not leave the jurisdiction of the trial court during the course of the trial and shall attend each date of trial.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)