

17.12.2021
SL No.46
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1073 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.428 of 2021 dated 20.08.2021 under Sections 21(C)/29 of the NDPS Act.

And

In the matter of : **Premjit Roy & Anr.**

- Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das,

... For the Petitioners.

Mr. A.K. Sarkar,
Mr. Sourav Ganguly,

... For the State

We have heard the learned Counsel for the parties.

The progress report has been filed on behalf of the prosecution. It appears that few of the witnesses are still to be examined and few of the FIR named persons are still at large. The FSL report has not yet been received from the State Drug Control and Research Laboratory, Kolkata. It further appears from the case diary that no recovery was made from the petitioners. The other incriminating evidence against the petitioners, namely, the signature of the petitioners in the seizure list and alleged confessional statements of the Khalasi and Driver indicating petitioners are needed to be assessed at the appropriate stage of the trial. Considering the fact that the petitioners' custody is over

107 days and there is no possibility of the trial being commenced in near future, we are inclined to release the petitioners on bail. The prayer for bail is, thus, allowed.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.25,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Cooch Behar subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall stay outside the jurisdiction of Dinhata Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the Court proceeding and shall meet the Investigating Officer once a week until further orders and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

Accordingly, the application for bail being CRM 1073 of 2021 stands disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)