

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

20.04.2022
Item no.05
Ct.1
Suvendu

CRM (NDPS) 85 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with New Jalpaiguri Police Station Case No.195 of 2016 dated 06.12.2016 under Section 20(b)(ii)(c) of the NDPS Act.

And

In the matter of:- Sanjay Paswan

... Petitioner

Mr. Joydeep Kanta Bhowmik

.....for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly

.....for the State

Considering the fact that the petitioner is in custody for almost five and half years and out of twelve witnesses only five have been examined so far, we are of the view that the long incarceration of the petitioner is significant ground to rebut the restriction under Section 37 of the NDPS Act. We are accordingly of the view that the prayer for bail should be allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (rupees ten thousand only) with two sureties each of like amount, one of who must be local to the satisfaction of the learned Judge, Special Court (Under

N.D.P.S. Act), 2nd Court, Jalpaiguri. The petitioner shall make himself available on every date of hearing before the learned trial court and before the concerned Police Station as and when required. The petitioner shall not leave the area of local Police Station only upon condition being granted for such. The petitioner shall not intimidate any witnesses and tamper with any evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as directed, the trial court shall be at liberty of cancelling the bail without further reference to this court.

CRM (NDPS) 85 of 2022 is accordingly allowed and disposed of.

(Kesang Doma Bhutia, J.)

(Moushumi Bhattacharya, J.)

