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

CRM (NDPS) 7 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with NDPS Case No. 60 of 2021 arising out of NJP Police Station Case No. 961 of 2021 dated 21.08.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Talif Hossain

... Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

.....for the State.

It is submitted by leaned counsel for the petitioner that the co-accused, standing on the same footing as the petitioner, was enlarged on bail vide order dated January 09, 2023 passed by a coordinate Bench in CRM (NDPS) 391 of 2022.

Learned counsel for the State opposes the prayer for bail.

However, upon perusal of the order of the coordinate Bench, a server copy of which has been handed over to Court today, it is evident that bail was granted primarily on the ground of delay in trial without there being any

explanation for the same. In fact, as reflected in the said order, there are eleven witnesses in the case and the petitioner therein was in custody for 558 days. Since the present petitioner is behind the bar for almost an equivalent period, for the sake of propriety, we are of the opinion that the petitioner should also be enlarged on bail.

Accordingly, the petitioner, namely, Talif Hossain, shall be released on bail upon furnishing a bond of Rs.10,000 (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Judge, Special Court, (under NDPS Act), Jalpaiguri subject to condition that the petitioner shall not, directly or indirectly, induce witnesses or influence them or tampering with evidence and shall not leave the jurisdiction of the concerned police station without permission.

This application, being CRM (NDPS) 7 of 2023 is accordingly disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)