

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

11.01.2023
Court No.1
Item. 07
(Suvendu)

CRM(NDPS) 37 OF 2023

An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Siliguri Police Station Case No. 1318/2020 dated 25.10.2020 under Section 23 (C) of the NDPS Act, 1985.

And

In the matter of: Md. Noor Alam

.Petitioner.

Mr. Aniruddha Biswas
Mr. Sourav arkar

For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Nag

For the State.

The petitioner before us is one of the two accused persons implicated under the NDPS Act, 1985. The petitioner was the driver of the vehicle. The co-accused has been granted bail on medical grounds. The petitioner has been in custody for three years and there is admittedly no progress in the trial. Besides the above, we have been shown documents which indicate that the petitioner is suffering from a serious health condition. Despite an earlier refusal dated 29th September, 2021, we are of the view that the petitioner's prayer for bail should be allowed. The medical report is an event subsequent to the earlier refusal.

We accordingly 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 NDPS Act), Siliguri. The petitioner shall not induce witnesses or influence them or tamper with evidence. The petitioner shall also make himself available before the learned court for the trial as and when the petitioner is required and shall also not leave the jurisdictional police station without leave of the concerned authorities.

CRM(NDPS) 37 of 2023 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)