

AD-22
Ct No.01
Jalpaiguri
07.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 44 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **03.01.2023** in connection with **Bagdogra** Police Station Case No. **213 of 2021** dated **29.05.2021** under Sections **20(b)(ii)(c)** of the **NDPS Act**.

And

In the matter of: **Md Hussain @ Md Hussan**

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioner

Mr. Kallol Acharjee,
Mr. Sourav Ganguly

... for the State

Learned counsel for the petitioner contends that two other co-accused persons standing on equal footing as the petitioner have already been released on bail. That apart, the petitioner is already in custody for about 619 days.

Learned counsel for the State opposes the prayer for bail and submits that the presumption under Section 37 of the NDPS Act has not been dispelled in the present case.

However, keeping in view the long custody already suffered by the petitioner and that two other co-accused persons have been released on bail, we are inclined to grant bail to the petitioner in this case as well.

Accordingly, CRM (NDPS) 44 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of

Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), Siliguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend on each day of trial.

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

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)