

AD-24
Ct No.01
Jalpaiguri
07.02.2023
TN

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

CRM (NDPS) 46 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 Bhaktinagar Police Station Case No. 623 of 2022 dated 17.06.2022 under Sections 21(c)/22(c) of the NDPS Act, corresponding to NDPS Case No. 80 of 2022.

And

In the matter of: Sushma Tamang

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... for the State

Learned counsel for the petitioner contends that the petitioner is a 45 years old lady and a heart patient as well as suffering from hyper-tension. The petitioner has undergone an Angioplasty and is regularly taking 8 medicines. The petitioner is in custody for 233 days. It is submitted that, at least on humanitarian grounds, the petitioner ought to be released on bail; more so, because although the charge-sheet has been submitted, no chemical report has as yet been filed.

Learned counsel for the State opposes the prayer for bail.

However, in the circumstances as narrated above, we are inclined to grant bail, primarily on humanitarian grounds, to the petitioner.

Accordingly, CRM (NDPS) 46 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), Jalpaiguri.

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.)