

D/L. 48
February 7, 2023
MNS

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

CRM (NDPS) 61 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with NDPS Case No. 13 of 2018 arising out of Alipurduar Police Station Case No. 144 of 2018 dated 13.04.2022 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Mominur @ Mominul Mia

.... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Biswajit Das

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Kalol Nag

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for about five years. It is further contended that there were three previous rejections of bail prayer of the petitioner. The last such rejection took place on September 14, 2021, when the trial court was directed by the co-ordinate Bench to conclude the trial within fifteen months thereafter. However, till date, the trial is going on.

Learned counsel appearing for the State opposes the prayer for bail.

However, keeping in view the long period of incarceration already suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 61 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), at Jalpaiguri.

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

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 person 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.)