

D/L. 52
February 7, 2023
MNS

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

CRM (NDPS) 64 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 C. R. (N.D.P.S.) Case No. 29 of 2020 arising out of Phansidewa Police Station Case No. 280 of 2020 dated 09.06.2020 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sanjay Singh and another

.... Petitioners

Mr. Arunava Paul

... for the petitioners

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State.

Learned counsel for the petitioners contends that the petitioners are in custody for about 970 days. Although fourteen dates of the trial have elapsed, none of the witnesses has yet been examined. That apart, it is alleged that the provisions of Section 41B of the Code of Criminal Procedure were not complied with.

The allegations are controverted on behalf of the State and it is submitted that the charge-sheet has already been filed in the case.

Taking into account the number of days the petitioners have already spent in custody and the surrounding circumstances, as well as the delay in trial, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 64 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish bonds of Rs.10,000/- each, 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 Siliguri.

The petitioners 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 petitioners 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.)