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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 74 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 Jalpaiguri Kotwali Police Station Case No. 313 of 2021 dated 17.06.2021 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

In the matter of : Saidul Miah alias Sahidul Miya
... petitioner

Mr. Arnab Sengupta,
Mr. Deborshi Dhar,
Mr. Janardan Periwal

...for the petitioner

Mr. Abhijit Sarkar,
Mr. Arjun Chowdhury

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner contends that the petitioner is in custody for about 602 days. The charge sheet was filed on December 10, 2021, when cognizance of the same was also taken. Even after the lapse of 14 months thereafter, the trial is at a nascent stage.

That apart, it is argued that the provisions of Section 52A(2) of the N.D.P.S. Act have not been complied with, inasmuch as the samples, which were to be drawn as per

law before the Magistrate for the purpose of production, were not so drawn.

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

However, in view of the circumstances as indicated above, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 74 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/-(Rupees Ten Thousand), 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 attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)