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

CRM (NDPS) 80 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Samuktala Police Station Case No. 158 of 2021 dated 07.08.2021 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

In the matter of : Arif

... petitioner

Mr. Jagriti Mishra,
Mr. Naser Ali,
Mr. Debayan Goswami,
Mr. Subham Gupta,
Mr. Reshab Kumar,
Mr. Raj Kumar Mitra

...for the petitioner

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

.....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 542 days. That apart, the arrest was effected between sunset and sunrise in contravention of established procedure. It is also submitted that there are infirmities in the process of seizure and arrest as well.

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

However, keeping in view the above mitigating circumstances, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 80 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 Additional District and Sessions Judge, First 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.)