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

CRM (NDPS) 82 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2023 arising out of Alipurduar seizure case no. 01/NDPS/CUS/APDPU/2019-2020 dated 01.02.2020 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

In the matter of : Jimder Ray @ Jimdas Ray and another
... petitioners

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

...for the petitioners

Mr. Ratan Banik

.....for the respondents

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioners contends that the petitioners are already in custody for more than three years. It is contended that the search and seizure were patently illegal since it was done in the office of the respondent-authorities. That apart, there are several violations of established legal procedure with regard to the entire process of arrest.

Learned counsel appearing for the respondent-authorities controverts such allegations and submits that a previous application for bail filed by the petitioners was refused on April 11, 2022. Learned counsel, accordingly, opposes the prayer for bail.

However, in the circumstances as indicated above and in view of the fact that the coordinate Bench had directed that trial to be concluded within three months, vide order dated April 11, 2022, whereas the trial is yet to commence, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 82 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish individual bond of Rs. 10,000/- (Rupees Ten Thousand) each, 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 petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date. The sureties may be common in respect of both the petitioners.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)