

**D/L. 50**  
**February 9, 2023**  
MNS

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

**CRM (NDPS) 96 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Kotwali Police Station Case No. 800 of 2018 dated 24.11.2018 under Sections 20(b)/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Ajit Deb Barma and another

.... Petitioners

Mr. Dipak Dutta,  
Mr. Debajit Kundu,  
Mr. Tanmoy Das

... for the petitioners

Mr. A. S. Chakraborty,  
Mr. Kallol Nag

... for the State.

Learned counsel for the petitioners submits that the petitioners are in custody for about four years two and a half months. That apart, although the charge-sheet was filed as long back as on May 23, 2019, no witness has yet been examined.

Learned counsel appearing for the State opposes the prayer for bail and controverts the statements made on behalf of the petitioners.

Keeping in view the long period of custody suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 96 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish individual bond 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 Jalpaiguri. The sureties may be common in respect of the petitioners.

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.)**