

D/L. 60
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 101 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with N.D.P.S. Case No. 40 of 2020 arising out of FIR No. 129/2020 dated 11.07.2020 registered at P. S. Kumargram under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Surendra Singh

.... Petitioner

Ms. Ashima Mandla,
Ms. Mandakini Sing,
Ms. Anwasha Halder,
Mr. Deborshi Dhar

... for the petitioner

Mr. Sourav Ganguly,
Mr. Subhasish Misra

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for two years and six months. That apart, the provisions of Standing Instruction No. 1/88 of the Standing Operating Procedure were violated by not sending the samples of the seized article for chemical examination within 72 hours, which is deprecated by the Supreme Court. It is, thus, argued that the petitioner is entitled to get bail.

Learned counsel appearing for the State opposes the contention of the petitioner with regard to contravention of Standing Instruction No. 1/88 of the Standing Operating Procedure. That apart, the prayer for bail is squarely opposed.

However, keeping in view the period of custody undergone by the petitioner and the fact that the charge-sheet was filed as long back as on December 15, 2020, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 101 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, 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 petitioner 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 petitioner 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.)