

D/L. 61
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 102 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. 35/2018 arising out of FIR No. 655/2018 dated 13.09.2018 registered at P. S. New Jalpaiguri under Section 20(b)(ii)(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Dinesh Kr. Dhankar

.... Petitioner

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

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

... for the State.

Learned counsel for the petitioner contends that the petitioner is in custody for four years and five months. That apart, at least nineteen adjournments were sought by the State. Out of seven total named witnesses, even the first witness of the prosecution is being absent on the dates of trial.

Learned counsel appearing for the State opposes the prayer for bail and submits that the PW 1 was present in court for examination on March 12, 2020. However, the matter was adjourned on the prayer of the prosecution.

Keeping in view the unnecessary delay in the trial over a prolonged period and the period of incarceration suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 102 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.)