

D/L. 63
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 104 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Mathabhanga Police Station Case No. 83 of 2018 dated 23.03.2018 for the alleged offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act (wrongly mentioned as Section 21(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act in the Charge Sheet).

And

In the matter of: Mozidur Islam

.... Petitioner

Mr. Jagriti Mishra,
Mr. Sabir Ali,
Mr. Debayan Goswami,
Mr. Subham Gupta,
Mr. Reshab Kumar

... for the petitioner

Mr. Sourav Ganguly,
Mr. Arjun Chowdhury

... for the State.

Learned counsel for the petitioner contends that the petitioner is in custody for four years, ten months and ten days. The charge-sheet was filed in the year 2018, but still then trial has not yet been concluded, despite a direction of a co-ordinate Bench on February 19, 2021 to expedite the trial.

Learned counsel appearing for the State opposes the prayer for bail and submits that the trial is at an advanced stage. The Investigating Officer has already been examined and only two prosecution witnesses are left to be examined.

Keeping in view the long period of incarceration already suffered by the petitioner and the fact that, despite a direction of a co-ordinate Bench, the trial is still pending, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 104 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 Cooch Behar.

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.)