

D/L. 64
February 9, 2023
MNS

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

CRM (NDPS) 105 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 Dinhata Police Station Case No. 78 of 2019 dated 12.02.2019 for the alleged offence punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Anchhar Ali

.... Petitioner

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

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Sourav Ganguly

... for the State.

Learned counsel for the petitioner contends that the petitioner is in custody for about one year and ten months. It is further alleged that the petitioner was apprehended on the basis of Aadhaar Card of the petitioner found from his motor cycle.

However, learned counsel appearing for the State opposes the prayer for bail and submits that the petitioner had handed over his Aadhaar Card to the BSF personnel when sought to be searched. The said Aadhaar Card and the contraband material found on the motor cycle were the basis of the complaint against the petitioner.

Despite considering the fact that there is sufficient *prima facie* material to implicate the petitioner in the case, since there was a previous direction of

a co-ordinate Bench to expedite the trial but still the trial is pending, and keeping in view the period of incarceration suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 105 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.30,000/-, 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.)