

D/L. 40
February 10, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 123 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 arising out of Birpara Police Station Case No. 86 of 2020 dated 21.06.2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Roman Biswakarma

.... Petitioner

Mr. Jagriti Mishra,
Mr. Naser Ali,
Mr. Debayan Goswami,
Mr. Subham Gupta,
Mr. Reshab Kumar,
Mr. Raj Kumar Mitra,
Ms. Ananya Bhattacharya

... for the petitioner

Mr. Kallol Acharjee,
Mr. DhimanSil

... for the State.

Learned counsel for the petitioner contends that there are several irregularities in the seizure and the charge-sheet in so far as the witnesses thereof are concerned. That apart, it is submitted that the petitioner is merely 19 years old and he is in custody for about two years seven months and nineteen days.

Learned counsel appearing for the State opposes the prayer for bail.

However, keeping in view the above circumstances, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 123 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.)