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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 147 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Bagdogra Police Station Case No. 102 of 2022 dated 15.01.2023 under Sections 21(c) of the NDPS Act, 1985.

In the matter of : Md. Alam Momin

... petitioner

Mr. Aniruddha Biswas,
Mr. Abhay Pada Chatterjee,
Ms. Siddi Sethiya,
Mr. Sourav Kar

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner contends that the petitioner is in custody for about eleven months. It is also contended that the contraband article allegedly recovered from the possession of the petitioner is less than the prescribed commercial quantity. It is also contended that Section 50 of the NDPS Act was not complied with in this case.

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

However, keeping in view the fact that the petitioner is in custody for about eleven months and the contraband article recovered from the possession of the petitioner is less than the commercial quantity, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 147 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/-(Rupees Ten Thousand), 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), Siliguri. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)