

10.05.2023
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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(NDPS) 288 of 2023

In Re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973.

And

In the Matter of : Gulsad Md

.... petitioner.

Mr. Arunava Pal

.....For the petitioner.

Mr. Tapan Bhattacharjee,
Mr. Subhasish Misra

.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with C. R. (NDPS) Case No.63 of 2022 arising out of Pradhannagar P. S. Case No. 352 of 2022 dated 13th May, 2022 under Sections 21(c) of the Narcotics Drugs and Psychotropic Substances (NDPS) Act, 1985 pending before the Special Court (NDPS Act) at Siliguri, District- Darjeeling.

Learned advocate for the petitioner submits that the petitioner is in custody for 290 days. He further submits that 30 bottles of cough syrup "Codeine Phosphate" have been recovered from possession of the petitioner. He also submits that charge sheet has been submitted but the trial has not yet been commenced.

Learned advocate for the State opposes the prayer for bail.

After hearing the parties and considering the materials on record and those produced and keeping in mind the period of custody, the quantity recovered as also the stage of trial, we allow this application for bail to the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 20,000/- (Two Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act) at Siliguri, Darjeeling on the following conditions:

1. The petitioner should be present in court on the dates when the trial is fixed.
2. He shall not leave the local limits of the jurisdictional police station where he resides without informing the I.C.
3. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
4. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (NDPS) 288 of 2023] is,
accordingly, disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)