

04.05.2023
KC (13)

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

C.R.M.(DB) 306 of 2023

In the Matter of : Jagadish Mandal @ Sk. Jahir Kana @
Jagga
.... petitioner.

Ms. Matan Chakraborty.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.,
Mr. Arjun Chowdhury.....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 F.I.R. No. 1082 of 2022 dated 22nd October, 2022 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act corresponding to C.R. (NDPS) Case No. 109 of 2022 pending before the court of learned Additional Sessions Judge (NDPS), 2nd Court, Siliguri.

This is a NDPS case. The petitioner is accused of possession of 296 grams of brown sugar.

He was arrested on 24th October, 2022 and is about 205 days in custody.

Investigation is complete.

Section 37 of the N.D.P.S. Act, 1985 does not permit us to grant bail to the petitioner on the above facts.

However, it has been submitted before us that the petitioner is 39 years of age and a cancer patient. Secondly it was submitted that two first information reports were

registered by the police in relation to the alleged offence of possession of a commercial quantity of contraband article. In the first F.I.R. (No. 1047 of 2022 dated 9th October, 2022) against serial no. 7 of the list of accused the name of Sk. Jaherkana of Jalpiguri P.S. Baishnab Nagar, District Malda appears. In the second F.I.R. (No. 1082 of 2022 dated 22nd October, 2022) one of the named accused is Jagadish Mandal @ Sk Jahir Kana @ Jagga.

Learned counsel for the petitioner submits that the present case arises out of F.I.R. No. 1047 of 2022 and that the accused named therein is not the same as the petitioner.

This fact is seriously disputed by learned counsel for the State who submits that they are same person.

Considering the above factors including the health condition of the petitioner we observe and direct that the investigation and the consequent trial be carried out as early as possible so that it is concluded preferably by 31st December, 2023.

Superintendent of the concerned correctional home is directed to extend all medical facilities that may be needed by the petitioner while in custody.

The application for bail [CRM (DB) 306 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

