

10.05.2023
cm (99)
Allowed

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

C.R.M.(NDPS) 316 of 2023

In the Matter of : Md. Yusuf Azad

.... petitioner.

Mr. Gobinda Ghosh

.....For the petitioner.

Mr. Nilay Chakraborty

Mr. Subhasish Misra

.....For the State.

1. This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with CR NDPS Case No. 157 of 2021 arising out of Siliguri Police Station Case No. 1289 of 2021 dated 01.11.2021 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act,, 1985 pending before the court of learned Special Judge under NDPS Act/ Additional District & Session Judge (2nd Court), Siliguri.
2. Learned advocate for the petitioner prays for bail and further submits that he is in custody for 550 days. Learned advocate for the petitioner also submits that 21.67 kg of contraband *ganja* has been recovered from the joint possession of four accused persons. The quantity recovered from the petitioner is unspecified. The investigation is

complete and charge-sheet has been filed on 31st July, 2022 and the charges have also been framed but the trial has not commenced.

3. Learned advocate for the State opposes the prayer for bail.
4. After hearing the parties and considering the materials on record and those produced and keeping in mind the period of custody as also the stage of trial, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and he may be granted bail on the following conditions:
5. The petitioner will be enlarged on bail upon furnishing a bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2nd Court (Special Court under NDPS Act), Siliguri on the following conditions:
 - i. The petitioner should be present in court on the dates when the trial is fixed.
 - ii. The petitioner shall not leave the local limits of the jurisdiction police station where he resides without informing the I.C.
 - iii. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

iv. 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.

6. The application for bail [CRM (DB) 316 of 2023] is, accordingly, disposed of.

(ANANYA BANDYOPADHYAY, J.)

(ARINDAM MUKHERJEE, J.)