

AD-39
Ct No.01
Jalpaiguri
12.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 608 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with CR(NDPS) case no.60/2021, corresponding to Matigara Police Station Case No. 496 of 2021 dated 12.06.2021 under Sections 21(C) of the NDPS Act, 1985.

And

In the matter of: **MANOJ BISWAS**

Ms. Kakoli Bose,
Mr. Akhil Biswas,
Mr. S. Bhagat,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly,

... for the State

1. Learned counsel for the petitioner argues that the petitioner has already been in custody for 823 days. That apart, the provisions of Section 41B of the NDPS Act were contravened. The charges were framed, it is contended, on April 12, 2022 but the trial has not seen progress since then.
2. Learned counsel for the State opposes the prayer for bail and argues that the provisions of Section 41B of the NDPS Act were fully complied with.
3. Upon hearing, it is evident that the petitioner is already in custody for 823 days, despite the trial having not yet

commenced effectively, although the charges were framed as far back as on April 12, 2022.

4. In view of the above period of incarceration, we consider it to be sufficiently mitigating to entitle the petitioner to bail.
5. In such view of the matter, CRM (NDPS) 608 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 (NDPS Act), Siliguri.
6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. Further, the petitioner shall not, directly or indirectly, 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.)

(Uday Kumar, J.)