

JPD-50
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 633 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Matigara Police Station Case No. 1319 of 2021 dated 20.11.2021 under Sections 21(C) of the NDPS Act.

And

In the matter of: Md. Islam

.... petitioner

Mr. Aniruddha Biswas,
Ms. Rina Sarkar,
Ms. Siddi Sethiaya,
Mr. A. Pada

... for the petitioner

Mr. Biswarup Roy

... for the State

1. Learned counsel for the petitioner argues that the petitioner is behind the bar for 1 year 9 months 5 days. That apart, there is gross contravention of Section 52A of the NDPS Act insofar as the samples were sent for FSL report on December 14, 2021, whereas the inventorization was done only on December 18, 2021.
2. Further, it is argued that even as per the FIR, the quantity of the contraband material seized from the person of the petitioner was below the commercial quantity.
3. Learned counsel for the State opposes the prayer for bail.
4. However, keeping in view the above mitigating circumstances made out by the petitioner, we are inclined to grant bail to the petitioner.

5. Accordingly, CRM (NDPS) 633 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a 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.)