

JPD-54
Ct No.01
12.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 641 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 Pradhan Nagar Police Station Case No. 1040 of 2021 dated 30.12.2021 under Sections 21(c) & 22(c) of the NDPS Act, corresponding to C.R. (NDPS) Case No. 05 of 2022.

And

In the matter of: Lalit Baral

.... petitioner

Mr. Somraj Paul

... for the petitioner

Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner seeks bail on several grounds.
2. First, it is submitted that the petitioner is already in custody for 621 days and the trial has barely begun.
3. Moreover, one Ganesh Mahato @ Mohanto found place in the signature column in Clause 10 of the Memo of Arrest but was never mentioned anywhere else including the charge-sheet. It is further submitted that the petitioner was 22 years old at the relevant point of time and learned counsel places reliance on a judgment of the Supreme Court in *Mohd Muslim @ Hussain vs. State (NCT of Delhi)*, where the Supreme Court adopted a reformatory approach. In the said case, the appellant was around 23 years of age.

4. Learned counsel for the State seriously opposes the prayer for bail and submits that above commercial quantity of material was found with the petitioner. That apart, it is submitted that trial has commenced in the matter.
5. Keeping in view the period of incarceration of the petitioner, read in the context of the reformatory view taken in *Mohd Muslim @ Hussain* (supra) by the Supreme Court, as well as a cloud having been cast on the signature of one Ganesh Mahato @ Mohanto in the Memo of Arrest, we are inclined to grant bail to the petitioner.
6. Accordingly, CRM (NDPS) 641 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.
7. 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.
8. 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.)