

AD-22
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

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

CRM (NDPS) 651 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Matigara Police Station Case No. 1202 of 2021 dated 18.10.2021 under Sections 21(C) of the NDPS Act, 1985.

And

In the matter of: **NIMAI BARMAN**

Mr. Sandeep Dutta,
Mr. T. Ghosh,
Ms. Rupa Basu

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Sourav Ganguly

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 680 days and the trial has just commenced, only 1 out of the total 10 witnesses having been examined.
2. Learned counsel for the State opposes the prayer for bail.
3. However, considering the long period of custody of the petitioner as well as the fact that the trial is yet far off from conclusion, we are of the opinion that bail ought to be granted to the petitioner.

4. Accordingly, CRM (NDPS) 651 of 2023 is thus 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 under NDPS Act, at Siliguri.
5. 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.
6. 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.)