

AD-24
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

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

CRM (NDPS) 658 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. 280 of 2021 dated 23.04.2021 under Sections 21(C) of the NDPS Act, 1985.

And

In the matter of: **REJJAK ALI**

Ms. Kakali Bose,
Mr. Akhil Biswas,
Mr. Sudip Banerjee

... for the petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioner argues that the petitioner is in custody for 874 days and there was violation of Section 41B of the Code of Criminal Procedure as well as Section 52A of the NDPS Act.
2. Learned counsel further argues that the next date is fixed on January 15, 2024 and there is no scope of immediate conclusion of trial.
3. Learned counsel for the State opposes the prayer for bail and contends that there was no violation of any provision of law including Section 41B and Section 52A. That apart, two of the 14 witnesses have already been examined.

4. Upon considering the inordinate period of incarceration of the petitioner and the fact that the next date of the trial is fixed on January 15, 2024, particularly since other 12 witnesses are yet to be examined, we are of the opinion that the personal liberty of the petitioner cannot be curtailed further.
5. Accordingly, CRM (NDPS) 658 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 Special Judge under NDPS Act-cum-Additional District & Sessions Judge, 2nd Court at 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.)