

JPD-54
Ct No.01
22.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 664 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Bhaktinagar Police Station Case No. 1286 of 2021 dated 01.10.2021 under Sections 21(b)/22(b)/29 of the NDPS Act, 1985 adding Sections 21(c)/22(c) NDPS Act, corresponding to NDPS Case No. 94 of 2021.

And

In the matter of: Md. Fakira

.... petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sankar

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra

... for the State

1. Learned counsel for the petitioner contends that the petitioner is in custody for 721 days. That apart, no copy of the charge-sheet has been served on the petitioner as yet. The next date for supply of copy is September 26, 2023.
2. Learned counsel for the State vehemently opposes the prayer for bail and contends that all statutory compliances were made in the recovery and the seizure was of huge quantity of contraband articles.
3. We find from the submissions of the parties and the record that the petitioner is in custody for an inordinately long period of 721

days and the conclusion of trial is still far off, since the matter is still pending at the stage of supply of copy to the petitioner.

4. Accordingly, CRM (NDPS) 664 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), Jalpaiguri.
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.)