

AD-31
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

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

CRM (NDPS) 670 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2023 in connection with Matigara Police Station Case No. 1086 of 2020 dated 22.10.2020 under Sections 17C/23C of the NDPS Act, 1985.

And

In the matter of: **AKTARUL MOUMIN @ MD.AKTARUL MOIN**

Mr. Sudhindra Das,

... for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for 1090 days. That apart, from the evidence of the independent witnesses, it is clear that the said witnesses were not present at the site of crime but signed the documents in the police station.
2. Learned counsel for the State opposes the prayer for bail and contends that most of the witnesses have already been examined. Hence, the trial is on the verge of conclusion.
3. Upon taking into consideration the fact that some cloud has been cast on the entire process of seizure due the absence of the independent witness at the locale of seizure, even without

going into the merits of the trial, we are of the opinion that the benefit of the bail ought to be granted to the petitioner.

4. Accordingly, CRM (NDPS) 670 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.
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.)