

JPD-45
Ct No.01
13.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 699 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Kotwali Police Station Jalpaiguri Case No. 500 of 2020 dated 11.08.2020 under Sections 20(ii)(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: Tezbir Singh

.... petitioner

Mr. Ankur Barman

... for the petitioner

Mr. Nilay Chakraborty,
Ms. Sukanya Ahdikary

... for the State

1. Learned counsel for the State vehemently opposes the prayer for bail on the ground that the bar under Section 37 of the NDPS Act is applicable.
2. However, we find from the contentions of learned counsel for the petitioner and the materials on record that the petitioner is already behind the bar for more than three years and not a single witness has been examined in connection with the trial as yet. In line with the ratio laid down by the Supreme Court repeatedly, long period of incarceration itself and the delay in trial justify the petitioner being released on bail.
3. Accordingly, CRM (NDPS) 699 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) at Jalpaiguri.

- 4.** 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.
- 5.** 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.)