

JPD-46
Ct No.01
13.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 700 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. 312 of 2020 dated 17.05.2020 under Sections 20(ii)(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: Bittu Karmakar

.... petitioner

Mr. Ankur Barman

... for the petitioner

Mr. Sourav Ganguly,
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioner contends that the petitioner is in custody for three years and three months and not a single witness has been examined in the trial.
2. Learned counsel for the State, opposing the prayer for bail, submits that initially the charge-sheet was filed without the FSL report, for which necessary intimations were given to the appropriate authorities and a supplementary charge-sheet had to be filed.
3. Be that as it may, since the period of incarceration of the petitioner is quite sufficient to justify enlarging the petitioner on bail, particularly since none of the witnesses have yet been examined and the conclusion of trial is yet remote, we are inclined to grant bail to the petitioner.

4. Accordingly, CRM (NDPS) 700 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.
5. It is expected that the trial shall be taken up expeditiously and be concluded as early as possible, preferably within nine months from date.
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.)