

AD-16
Ct No.01
Jalpaiguri
18.09.2023
B.Pal

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

CRM (NDPS) 715 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Jaigaon Police Station Case No. 300 of 2022 dated 24.12.2022 under Sections 22(c) of the NDPS Act, 1985.

And

In the matter of: **MITHUN ROY**

...Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag

... for the State

1. The petitioner has made out a prima facie case for bail in as much as the petitioner is already in custody for 248 days. That apart, the petitioner's name was disclosed by a co-accused person, which was the apparent basis of apprehension. Thirdly, there is prima facie violation of Section 41B of the Code of Criminal Procedure.
2. In such view of the matter, CRM (NDPS) 715 of 2023 is 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 Special Judge under NDPS Act, at Jalpaiguri.

3. 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.
4. 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.)