

JPD-26
Ct No.01
18.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 721 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 Siliguri Police Station Case No. 1324 of 2021 dated 14.11.2021 under Section 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: Surojit Das @ Surajit Das

.... petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Sourav Ganguly,
Mr. Chattu Roy

... for the State

1. Learned counsel for the petitioner argues that charges were framed in the year 2022 but the trial is still at an inchoate stage. It is further submitted, by placing reliance on a coordinate Bench judgment in the case of *Dipankar Mondal @ Dipakar Mondal @ Dipu [C.R.M. (NDPS) 1346 of 2023]*, that delay in trial is a sufficient ground for grant of bail even under the NDPS Act.
2. Learned counsel for the State opposes the prayer for bail, arguing that one of the accused persons on same footing as the petitioner had his prayer for bail rejected on July 04 this year.
3. Learned counsel further opposes the prayer for bail by arguing that the trial has already commenced and two witnesses have been examined, the total number of witnesses being nine.

4. Hence, it is argued that bail ought not to be granted to the petitioner.
5. Upon hearing learned counsel, we find from the records that the petitioner's prayer for bail was rejected on February 03, 2023.
6. However, thereafter charge-sheet has been filed and the trial has commenced, although the prayer of a co-accused person for bail was rejected in the month of July.
7. We find from the records, however, that the respondents are justified in pointing out that charge-sheet had already been filed when the prayer of the petitioner for bail was lastly rejected on February 03, 2023. Such fact, coupled with the fact that a co-accused person placed on similar footing as the petitioner had his bail refused recently, we are not inclined to grant bail to the petitioner.
8. Accordingly, CRM (NDPS) 721 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)