

JPD-39
Ct No.01
21.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 722 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 08.09.2023 in connection with CIS (NDPS) Case No. 51 of 2021 arising out of Matigara Police Station Case No. 430 of 2021 dated 31.05.2021 under Section 21(c) of the NDPS Act, 1985.

And

In the matter of: Md. Saddam Hossain

.... petitioner

Mr. Abhishek Sarkar,
Mr. Kumar Shantanu

... for the petitioner

Mr. Kallol Acharjee,
Mr. Dhiman Sil

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 844 days.
2. Upon query, learned counsel for the State contends that out of eleven witnesses, four have already been examined. The prayer for bail is opposed by the State, on the ground that the seized contraband articles were much above the commercial quantity.
3. However, keeping in view the long period of incarceration of the petitioner, we are inclined to grant bail to the petitioner.
4. Accordingly, CRM (NDPS) 722 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), 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.)