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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 730 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with GRPS-01 dated 06.01.2022 under Section 22(c)/29 of the NDPS Act, 1985.

In the matter of : Samsul Shaikh ... petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Ray

...for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Kallol Acharjee

...for the State

1. Learned counsel appearing for the petitioner submits that the petitioner is in custody for more than one year, having been apprehended in April, 2022. Moreover, it is pointed out by learned counsel for the petitioner that charge sheet has been submitted.
2. A coordinate Bench vide order dated June 09, 2023 had granted interim bail to the petitioner in view of the medical condition of the parents of the petitioner.
3. Learned counsel for the State opposes the prayer for bail and submits that the medical condition of the parents of the petitioner is required to be verified by medical reports.
4. However, we find from the order dated June 09, 2023 that the learned Coordinate Bench proceeded on the premise

that the medical condition of the petitioner's parents was such that the petitioner ought to be granted interim bail.

5. We do not find any requirement of reopening such issue at this juncture. Further, the petitioner is already in custody for about one and a half years. Hence, on such grounds, we are inclined to grant bail to the petitioner.
6. Accordingly, CRM (DB) 730 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (under NDPS Act), Jalpaiguri. The petitioner shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.
7. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)