

AD-8
Ct No.01
Jalpaiguri
22.09.2023
B.Pal

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

CRM (NDPS) 734 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 Kharibari Police Station Case No. 297 of 2021 dated 29.09.2021 under Sections 18/21(c)/22(c)/29 of the NDPS Act, 1985.

And

In the matter of: BISHNU CHETRY

...Petitioner

Mr. Hillol Saha Podder,

... for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Chattu Roy

... for the State

1. The petitioner is in custody for 726 days.
2. The trial has just begun, since only the PW 1 has been examined as yet. Learned counsel for the State opposes the prayer for bail and submits that huge quantity of contraband article was recovered.
3. That apart, it is submitted that the trial is already under way and will be concluded at the earliest.

4. Although the allegation is serious in so far as allegedly 6 kg of heroin was recovered, keeping in view the prolonged period of custody of the petitioner and in view of the fact that the trial has just commenced, we are inclined to grant bail to the petitioner.
5. Accordingly, CRM (NDPS) 734 of 2023 is thus 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 Court under NDPS Act, at Siliguri.
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.)