

AD-19
Ct No.01
Jalpaiguri
21.09.2023
B.Pal

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

CRM (NDPS) 736 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 Dinhata Police Station Case No. 232 of 2020 dated 13.07.2020 under Section 20(b)(ii)(C)/21(C) of the NDPS Act, 1985.

And

In the matter of: SAIDUL HAQUE

...Petitioner

Ms. Jagriti Mishra,
Mr. Sabir Ali,
Ms. Mrinmoyee Das

... for the petitioner

Mr. Nilay Chakraborty,

... for the State

1. Learned counsel for the petitioner points out that out of the 14 persons mentioned as accused in the FIR, only the petitioner has been named in the charge-sheet and the other 13 have been left scot-free. Further, it is contended that column 10 of the Memo of Arrest was left blank. Also, it is argued that no Gazetted officer was present at the time of seizure. That apart, the petitioner is already in custody for about three years two months and three days.

2. Learned counsel for the State opposes the prayer for bail and submits that out of 14 witnesses, 12 have already been examined and the trial is on the verge of completion.
3. Be that as it may, since sufficient grounds have been made out by the petitioner to cast doubt on the process of search and seizure and keeping in view the period of incarceration of the petitioner, we are inclined to grant bail.
4. Accordingly, CRM (NDPS) 736 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 Cooch Behar.
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.)