

D/L. 23.
September 21, 2023.
MNS

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

CRM (NDPS) 742 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with Nagrakata Police Station Case No. 91 of 2020 dated 13.09.2020 under Section 20(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rajpal Singh

.... Petitioner

Mr. Hillo Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State.

1. Learned counsel for the petitioner submits that the petitioner is already in custody for three years. There are 14 charge-sheeted witnesses and the progress of trial is very poor.
2. Learned counsel appearing for the State vehemently opposes the prayer for bail and submits that the petitioner is a resident of a different State, that is, Bihar and if the petitioner, taking advantage of the bail, escapes to its native State, it would be extremely difficult to arrest the petitioner again.
3. Moreover, it is argued that the prosecution is making its best endeavour to have the hearing concluded at the earliest.
4. It is further submitted that if six months time is granted, it is expected that the trial will be completed by that time.
5. Keeping in view the repeated observations of the Supreme Court in various judgments regarding long period of incarceration itself

justifying alleviation of the restrictions under Section 37 of the NDPS Act for the purpose of bail, as well as the fact that there are 14 charge-sheeted witnesses, out of whom several are absconding, which means that the trial shall not be concluded early in all likelihood, we are of the opinion that bail ought to be granted to the petitioner.

6. Accordingly, CRM (NDPS) 742 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.20,000/- , with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Jalpaiguri.
7. It is made clear that the local surety furnished by the petitioner must have landed property within the territorial jurisdiction of Jalpaiguri.
8. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.
9. 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.)