

AD-2
Ct No.01
Jalpaiguri
22.09.2023
B.Pal

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

CRM (NDPS) 744 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 Kumargram Police Station Case No. 259 of 2021 dated 02.12.2021 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: HARJINDER SINGH

...Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar

... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioner contends that the petitioner is already in custody for about 660 days. A copy of the charge-sheet was supplied to the petitioner only after 626 days of the apprehension.
2. Learned counsel for the State opposes the prayer for bail vehemently and contends that the formalities have been

complied with and the charges have been framed. Moreover, the quantity of contraband articles recovered was huge, being 500 kg of Ganja.

3. That apart, it is alleged that the petitioner is the resident of a different State and may flee justice in the event of release.
4. However, we are of the opinion that the mere fact that the petitioner is a resident of another State does not provide sufficient ground for refusing bail if the petitioner is otherwise so entitled, in absence of antecedents of the petitioner of fleeing justice in the past.
5. That apart, the petitioner is already in custody for 660 days, which is sufficient to mitigate the rigours of Section 37 of the NDPS Act as per the law settled by the Supreme Court in several cases.
6. Hence, we are of the opinion that the petitioner is entitled to the relief of bail. Accordingly, CRM (NDPS) 744 of 2023 is 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 Jalpaiguri.
7. 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.

8. 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.
9. The petitioner shall further, as a condition of bail, meet the Inspector-in-Charge of the local police station throughout the period of trial once a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)