

AD-13
Ct No.01
Jalpaiguri
22.09.2023
SP

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

CRM (NDPS) 754 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 NDPS Case No. 80 of 2021 arising out of New Jalpaiguri Police Station Case No. 1026 of 2021 dated 07.09.2021 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: MITHUN GOWALA

Mr. Biswarup Roy

... for the petitioner

Mr. Kallal Acharjee
Mr. Dhiman Sil

... for the State

1. At the outset, learned counsel for the State opposes the prayer for bail and submits that the presumption under Section 37 of the NDPS Act is applicable and huge commercial quantity of contraband articles was recovered.
2. Learned counsel for the petitioner submits that although bail was rejected lastly on July 5, 2023, directing the Trial Court to expedite the Trial within one year from the date of communication of the order, till date not a single witness has been examined. That apart, on the last date fixed in the Trial, the examination of the first prosecution witness was deferred on the prayer of the prosecution themselves.

3. Keeping in view such circumstances and the long period of incarceration of the petitioner from September 7, 2021, we are inclined to grant bail.
4. Accordingly, CRM (NDPS) 754 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.
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.)