

D/L. 30.
September 22, 2023.
MNS

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

CRM (NDPS) 761 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Jalpaiguri Kotwali Police Station Case No.528 of 2021 dated 10.10.2021 under Sections 20(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Subrata Sen and others

.... Petitioners

Mr. Biswarup Roy

... for the petitioners

Mr. Abhijit Sarkar,
Ms. Namrata Das

... for the State.

1. Learned counsel for the petitioners submits that the petitioners are in custody for 1075 days. Further, the quantity of ganja recovered was just above commercial quantity, being 20 Kg 600 gms. whereas the commercial quantity is 20 kg.
2. Moreover, it is argued that the petitioners' previous rejection of bail was came with a rider that the trial was to be expedited and concluded within one year from the date of receipt of the order refusing bail dated September 13, 2022.
3. Since the trial has not yet been concluded, the petitioners renew their prayer.
4. Learned counsel appearing for the State opposes the prayer for bail.

5. However, in view of the circumstance as narrated above, we are of the opinion that the benefit of bail ought to be given to the petitioners, more so since the quantity seized was just above the commercial quantity and the petitioners are in incarceration for quite a long period.
6. Accordingly, CRM (NDPS) 761 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish bond of Rs.10,000/- each, 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. The sureties may be common in respect of all the petitioners.
7. The petitioners 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.
8. The petitioners 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.)