

D/L. 36.
September 22, 2023.
MNS

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

CRM (NDPS) 767 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 NCB Crime No. 01/NCB/KOL/2019 dated 14.01.2019 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Gobinda Barman @ Parimal Barman

.... Petitioner

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

... for the petitioner.

Mr. Sudipto Kumar Mazumder, DSGI,
Mr. Sudip Kumr Paul

... for the NCB.

1. Learned counsel for the petitioner submits that the petitioner is in custody for four years eight months and ten days. Two witnesses are yet to be examined in the trial.
2. Learned counsel appearing for the NCB seeks an adjournment on the ground that the Case Diary is not available to the learned Advocate for the NCB as yet.
3. However, since the arguments made by the petitioner are corroborated by the materials annexed to the petition itself, including certified copies of the order sheet of the trial court, we are of the opinion that we should not unnecessarily wait for the case diary, as the only ground on which we are inclined to grant bail to the petitioner is the prolonged period of incarceration.

4. Accordingly, CRM (NDPS) 767 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, 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, Cooch Behar.
5. 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.
6. 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.)