

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

09.01.2023
Court No.1
(D/L 12)
(SKB)

CRM (NDPS) 428 OF 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in NCB Crime No.44/NCB/Kol./2018; under Section 8(c) & punishable under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of: **Mizanur Oli @ Mizanur Ali**

... Petitioner.

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

... for the petitioner.

Mr. Sudipto Kumar Mazumdar, D.S.G.I.,
Mr. Ajoy Kumar Singhanian

... for the NCB.

The petitioner has been in custody for 1598 days; the petitioner was taken in custody on 24th August, 2018. Charges were framed on 23rd July, 2019 and we are informed that the last date was fixed on 3rd January, 2023.

Admittedly, there has been no progress in the trial.

The above facts, in our view, are sufficient to rebut the statutory restriction under Section 37 of the N.D.P.S. Act, 1985. We accordingly grant the prayer for bail.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties each of like amount, one of who must be local to the

satisfaction of the learned Additional Sessions Judge Court, 1st Court, Jalpaiguri. The petitioner shall not leave the jurisdictional area of the local police station and shall also make himself available before the concerned court and the police station whenever required for investigation and questioning. The petitioner shall also make himself available before the trial court on every date of hearing whenever required and shall not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

C.R.M.(NDPS) 428 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.) (MOUSHUMI BHATTACHARYA, J.)