

AD-12
Ct No.01
Jalpaiguri
31.01.2023
TN

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

CRM (NDPS) 457 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Pradhanagar Police Station Case No. 103 of 2018 dated 27.02.2018 under Sections 21(C)/22(C) of the NDPS Act, 1985.

And

In the matter of: Tapas Das @ Tapan Das

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Arjun Chowdhury

... for the State

The petitioner is in custody for about 4 years and 11 months.

However, till date, the trial has not yet matured since only seven out of the fifteen witnesses have been examined as yet. The last witness was examined as long back as in the year 2021.

Heard learned counsel for the parties.

Keeping in view the inordinate delay of trial and the long period for which the petitioner is in custody, we find that bail should be granted to the petitioner.

Although learned counsel for the State opposes such prayer on the ground that the quantity of contraband materials found from the petitioner was huge, the same *per se* cannot have a direct bearing on restricting the individual liberty of a person for an inordinate period in the circumstances as indicated above.

Accordingly, CRM (NDPS) 457 of 2022 is allowed, thereby granting bail to the petitioner on condition of furnishing 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), Second Court at Siliguri.

The petitioner shall attend on each date of trial and shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall not 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.)

(Rai Chattopadhyay, J.)