

AD-16
Ct No.01
Jalpaiguri
30.01.2023
TN

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

CRM (NDPS) 456 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No-02 of 2019 arising out of New Jalpaiguri Police Station Case No. 48 of 2019 dated 19.01.2019 under Sections 20(b)(ii)(c)/23(c) of the NDPS Act.

And

In the matter of: Md Safikul @ Sofiqul

.... Petitioner

Mr. Sourav Kar

... for the petitioner

Mr. Nilay Chakraborty,
Ms. Namrata Das

... for the State

The petitioner has been in custody for more than four years since January 20, 2019, when he was apprehended under the NDPS Act.

It is submitted by the petitioner that such long period of custody ought to be considered particularly in the context that only one witness has as yet been examined in the trial.

Learned counsel for the State opposes such prayer for bail.

It is learnt upon hearing learned counsel that the charge-sheet has already been filed long back and the trial has commenced, in which only one witness has been examined till date.

Keeping in view the above facts, we find that there is no need to keep the petitioner in custody further.

Accordingly, CRM (NDPS) 456 of 2022 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), Second Court at Jalpaiguri.

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.

The petitioner, further, 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 persons 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.)