

10.01.2024
Sl. No. 07
Srimanta

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM(NDPS)/7/2024

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with CRM(NDPS) Case No. 837/2023 arising out of Bhaktinagar Police Station Case No. 1572/2021 dated 14.12.2021 under Sections 20(C)/22(C)/23(C)/29 of the NDPS Act, 1985.

And

In the matter of : Md. Yusuf Ali Khan

...Petitioner (in jail).

Mr. Prajnadeepta Roy,
Ms. Sohini Kundu,
Mr. Debojyoti Goswami

...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

...for the State.

Heard Mr. Prajnadeepta Roy, learned Advocate for the petitioner and Mr. Aditi Shankar Chakraborty, learned Advocate for the State.

This application has been filed by the petitioner for grant of bail in connection with CRM(NDPS) Case No. 837/2023 arising out of Bhaktinagar Police Station Case No. 1572/2021 dated 14.12.2021 under Sections 20(C)/22(C)/23(C)/29 of the NDPS Act, 1985.

This is the 7th bail petition filed by the petitioner for grant of bail in the above-noted criminal case registered against him. The earlier bail petitions being CRM(NDPS)/393/2022, CRM(NDPS)/185/2023, CRM(NDPS)/537/2023, CRM(NDPS)/837/2023, CRM(NDPS)/661/2023 and CRM(NDPS)/741/2023 were dismissed. By the last order dated 28.11.2023 in CRM(NDPS)/837/2023, this Court while dismissing the bail petition, directed the Court in seisin of the proceeding to

frame charges as expeditiously as possible and preferably within four weeks from the date of communication of this order. Learned Counsel for the State submits that due to heavy pressure of work, charges could not be framed by the Court below in compliance to the above referred order dated 28.11.2023.

Considering the facts and circumstances of the case, the nature and gravity of accusation, the incarnation of the petitioner from last more than two years, stage of trial and non-framing of charges till date, we are of the view that the petitioner deserves to be granted bail, particularly when there is remote possible of conclusion of trial in near future. In view of the aforesaid the petitioner, **Md. Yusuf Ali Khan**, son of Late Maked Khan of Pokaijote, Champasari near Church Ward No. 46, P.S.-Pradhannagar, District-Darjeeling, pin-734003 in connection with CRM(NDPS) Case No. 837/2023 arising out of Bhaktinagar Police Station Case No. 1572/2021 dated 14.12.2021 under Sections 20(C) /22(C)/23(C)/29 of the NDPS Act, 1985, is enlarged on bail on a person bond of Rs.10,000/- each of the like amount, subject to the satisfaction of the concerned Court and also subject to the following conditions:-

- (i) The petitioner shall not in any way influence the witnesses or try to delay the conclusion of trial.
- (ii) The petitioner shall remain personally present before the learned Trial Court on each day when witnesses are produced for examination and shall not seek any adjournment on such date.
- (iii) The petitioner shall not misuse liberty of bail in any way.

- (iv) The petitioner shall remain personally present for a statement under Section 313 Code of Criminal Procedure.
- (v) At least one surety offered by the petitioner as aforesaid, shall be a local resident.
- (vi) The petitioner shall not leave India without leave of the Court.

On furnishing of the personal bond and the sureties by the petitioner as aforesaid, the petitioner shall be released on bail forthwith.

The application for bail being No. CRM(NDPS) No. 7 of 2024 is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the learned Counsel for the respective parties.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)