

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

13.05.2024.
25/tkm

C.R.M. (NDPS) 200 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdogra P.S case no. 160 of 2023 dated 15.4.2023 under section 21(c) of the NDPS Act

and

Allowed

In the matter of : Kamona Sarkar Petitioner

Mr. H Saha Podder
Ms. Mousumi Das

...for the Petitioner

Mr. Nilay Chakraborty
Mr. Saikat Chaatterjee

...for the State

1. Petitioner is in custody for more than a year. It is submitted there is slow progress in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. 280 gms of brown sugar was recovered from the petitioner. Though he is in custody for more than a year no witness has been examined.
4. Under such circumstances, we are of the opinion petitioner has made out a case of bail on the ground of delay as held in *Rabi Prakash Vs. State of Odisha*¹ and he may be released on bail.
5. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like

¹ (2023) SCC Online SC 1109

amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act, Siliguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

7. The application being CRM (NDPS) 200 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)