

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

15.05.2024.
5/tkm

C.R.M. (NDPS) 226 of 2024

In Re:- An application for bail under Section 439 of the Code
of Criminal Procedure

and

In the matter of : Dipak Poddar @ Dipak Kumar Poddar
... Petitioner

Mr. A Das
Mr. Rajdeep Das

...for the Petitioner

Mr. Nilay Chakraborty
Ms. Namrata Das

...for the State.

1. Supplementary affidavit enclosing order sheet is placed on record.
2. Report is also filed on behalf of the State.
3. Petitioner is in custody for 666 days but no witness has been examined. Though it is alleged petitioner and co-accused were arrested with 50 bottles of cough syrup containing codeine phosphate above commercial quantity, he is in custody for considerable period of time. No prosecution witness has been examined till date. Prosecution proposes to examine 12 witnesses. There is no possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner.
4. Reference in this regard may be made to *Rabi Prakash Vs. State of Odisha*¹.
5. Hence, we are inclined to grant bail to the petitioner.

¹ (2023) SCC Online SC 1109

6. Accordingly, the petitioner be released on bail upon furnishing a 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, 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.

7. 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.

8. The application being CRM (NDPS) 226 of 2024 is disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)