

JPD-87
Ct No.01
31.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (DB) 304 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with DRI Complaint No. 02/CL/IMP/DRI/SLG/2011-12/314/2011 dated 31.05.2011 under Sections 104/110/135 of the Customs Act, 1962.

And

In the matter of: **Nasel Sheikh**

.... petitioner

Mr. Prajnadeepta Roy
Ms. Sohini Kundu
Ms. Mousumi Das
Mr. Debojyoti Goswami

... for the petitioner

Mr. Ratan Banik
Mr. Shankar Sarkar
Mr. Saptarshi Banik
Ms. Deepika Gupta

... for the DRI

1. Learned counsel for the petitioner argues that the petitioner is already in custody for more than four years in connection with the present case.
2. Whereas the charge sheet was filed as long back as on July 31, 2012, charges have been framed only in the year 2024.
3. There are 27 charge sheet witnesses and as such it is uncertain as to when trial shall be concluded.

4. Learned counsel appearing for the DRI submits that the DRI (Directorate of Revenue Intelligence) has nothing to submit on the present issue since the initial arrest was made by the Customs Authorities in connection with a customs case, for which a separate case has been started.
5. In the said case, it is submitted, charge sheet has been filed as well.
6. However, insofar as the present case is concerned, since the same was initiated on a DRI complaint and the DRI is represented through counsel, coupled with the fact that the petitioner is already in custody for more than four years in connection with the present case, as well as the fact that it took about twelve long years even to frame the charges after filing of the charge sheet, we are of the opinion that the petitioner need not be incarcerated further awaiting the conclusion of trial.
7. That apart, there are 27 witnesses to be examined, which makes it all the more uncertain as to when the trial would be concluded.
8. Accordingly, CRM (DB) 304 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 Additional Sessions Judge Fast Track Court, Siliguri.

9. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
10. Further, the petitioner shall not, directly or indirectly, 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.)

(Prasenjit Biswas, J.)