

JPD-12
Ct No.01
23.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 272 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Pradhannagar** Police Station Case No. **185** of **2023** dated **16.03.2023** under Sections **21(c)/22(c)/27A** of the **NDPS Act, 1985**.

And

In the matter of: **Naresh Kamti**

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Sourav Ganguly,
Ms. Namrata Das

... for the State

1. The petitioner contends that the petitioner is in custody for about 493 days. Charge sheet was filed on August 27, 2023 but till date charges have not been framed. The petitioner cites coordinate Bench orders granting bail, relying on the judgment of the *Rabi Prakash vs. State of Odisha* reported at (2023) SCC OnLine (SC) 1109, where delay was treated to be a ground for grant of bail.
2. Learned counsel for the State opposes the prayer for bail.
3. Since trial has not been commenced and in view of the inordinate delay in framing of charges, we are inclined to grant bail to the petitioner, since the long period of custody as an undertrial itself

mitigates the rigours of Section 37 of the NDPS Act as per the consistent view of the Supreme Court.

4. Accordingly, CRM (NDPS) 272 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 Special Court (NDPS) at Siliguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court throughout the entire period of trial and shall attend on each and every date of trial.
6. 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 evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)