

JPD-4
Ct No.01
24.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 274 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 158 of 2023 dated 03.03.2023 under Sections 21(c)/22(c)/29 of the NDPS Act.

And

In the matter of: **Alim Momin and another**

.... petitioners

Mr. Hillol Saha Poddar
Ms. Mousumi Das

... for the petitioners

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

... for the State

1. The petitioners are in custody for 508 days.
2. It is submitted that despite the charge sheet having been filed on August 25, 2023, charges have not yet been framed.
3. It is fairly pointed out by learned counsel for the petitioners that similar prayer of the petitioners was rejected on September 22, 2023. However, it is submitted that even thereafter till date, the charges were not framed.
4. Learned counsel for the State submits that the charge sheet was filed without FSL report, since the same could not be obtained at that juncture.

5. The FSL report has been obtained only yesterday and, at the earliest, a supplementary charge sheet containing such report shall be filed.
6. It is further contended by learned counsel for the State, while opposing the prayer for bail, that August 27, 2024 is the date fixed for framing of charges.
7. We are of the opinion that since the petitioners have been in prolonged custody even without charges being framed, such long period of custody itself justifies grant of bail at this stage to the petitioners.
8. However, needless to say, the petitioners shall be put to stringent conditions as indicated below.
9. Keeping in view such circumstances, we are inclined to grant bail to the petitioners.
10. Accordingly, CRM (NDPS) 274 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bonds of Rs.10,000/- each, 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. The sureties may be common in respect of all the petitioners.
11. The petitioners 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.
12. Further, the petitioners 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.)