

JPD-10
Ct No.01
24.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 281 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Siliguri** Police Station Case No. **57** of **2023** dated **25.01.2023** under Sections **21(c)/22(c)/29** of the **NDPS Act, 1985**.

And

In the matter of: **Vivek Rabidas @ Bibek Rabidas**

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Shankar Chakraborty, Ld. APP,
Mr. Tapan Bhattacharjee,
Mr. Subhasish Misra

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 546 days. Although the prayer for bail of the petitioner was rejected last on February 22, 2024, the coordinate Bench, while rejecting such prayer, had observed that there was no change of circumstances from the previous occasion of rejection and also recorded that March 01, 2024 was the date fixed for recording evidence of the witnesses and, therefore, the Bench expressed its hope and trust that the Special Court under NDPS

Act should make efforts to bring the case to its logical end as expeditiously as possible. It is submitted that even today, not a single witness has been examined and the evidence is yet to begin.

2. Learned counsel for the State opposes the prayer of bail and submits that August 28, 2024 is the next date fixed for hearing of the matter and it is expected that the matter will be expedited thereafter.
3. We find that the petitioner is in custody for a sufficiently long time to entitle the petitioner to bail, alleviating the circumstance as prescribed under Section 37 of the NDPS Act, 1985. Since the hope and trust of the coordinate Bench as expressed on February 22, 2024 did not find repose in evidence actually commencing, we are of the opinion that the petitioner ought to be granted bail.
4. Accordingly, CRM (NDPS) 281 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 during the entire period of trial and shall attend 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 the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)