

AD-18
Ct No.01
Jalpaiguri
24.07.2024
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 292 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kotwali Police Station (Jalpaiguri) Case No. 598/2019 dated 15.09.2019 under Sections 20(b)(ii)(C)/25/29 of the NDPS Act, 1985.

And

In the matter of: ACHINTA GUNGULYfor the petitioner

Mr. Jagriti Mishra, Adv.
Ms. Ananya Bhattacharya, Adv.
Mr. Naser Ali, Adv.
Ms. Mrinmayee Das, Adv.
Mr. Manish Gupta, Adv.

... for the petitioner

Mr. Nilay Chakraborty Ld. APP
Mr. Kallol Acharjee, Adv.
Mr. Sagnik Sankar Sikdar, Adv.

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for 1772 days.
2. Learned counsel for the State opposes the prayer for bail and submits that the trial is already progressing and the next date has been fixed on August 9, 2024 for the purpose of examination under Section 313 of the Code of Criminal Procedure.
3. However, keeping in view the prolong period of incarceration already suffered by the petitioner, we are inclined to observe

that the personal liberty enshrined in Article 21 of the Constitution cannot be further curtailed merely due to the provisions of Section 37 of the NDPS Act, which has rather spent its force by now insofar as the present petitioner is concerned.

4. Accordingly, CRM (NDPS) 292 of 2024 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 1st, Jalpaiguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during 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 the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)