

AD-9
Ct No.01
Jalpaiguri
25.07.2024
SP

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

CRM (NDPS) 293 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Pradhannagar Police Station Case No. 908/2022 dated 06.11.2022 under Sections 20(b)(ii)(c)/22(c) of the NDPS Act, 1985.

And

In the matter of: FULESHWARI SINGH AND ANR
...for the petitioners

Mr. Hillol Saha Podder, Adv.
... for the petitioners

Mr. Abhijit Sarkar, Adv.
Ms. Sukanya Adhikary, Adv.
... for the State

1. The petitioners are ladies, who are already in custody as undertrials for 1080 days.
2. Out of a total of thirteen witnesses, only two have been examined as per the submission of the petitioner. However, learned counsel for the state, although strongly objecting to the prayer for bail, is unable to corroborate the exact number of witnesses examined till date, due to paucity of information in the case diary.
3. Be that as it may, it has been repeatedly held by several High Courts and the Supreme Court that long period of

incarceration of undertrials is itself sufficient to mitigate the rigour of Section 37 of the NDPS Act. Hence, considering the period of custody as well as the fact that both the petitioners are ladies, we are inclined to grant bail to the petitioners.

4. Accordingly, CRM (NDPS) 293 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court (NDPS Act) at Siliguri. The sureties may be common in respect of both the petitioners.
5. 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.
6. 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.)