

AD-13
Ct No.01
Jalpaiguri
25.07.2024
SP

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

CRM (NDPS) 300 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. 340 of 2022 dated 09.05.2022 under Section 18/21(c)/22(C)/27A/28/29 of the NDPS Act, 1985.

And

In the matter of: MD.SAHIDUL ISLAM AND ANR. . . .for the petitioners

Mr. Hillol Saha Podder, Adv.
Ms. Mousumi Das, Adv.

... for the petitioners

Mr. Kallol Acharjee, Adv.
Mr. Subhasish Misra, Adv.

... for the State

1. The petitioners are already in custody for 664 days. Only four witnesses have been examined out of total thirteen.
2. Learned counsel for the State seriously opposes the prayer for bail and submits that the release of the petitioners on bail may vitiate the trial. It is submitted that the Court may fix a time schedule for the trial to be concluded early.
3. It has been repeatedly observed by different Courts of the country that long period of incarceration of undertrials is itself sufficient ground to dilute the rigours of Section 37 of the NDPS Act. We do not find any justification for the

contention of the State that the release of the petitioners on bail, even if granted with appropriate conditions, would vitiate the trial in any manner whatsoever. As such, in view of the inordinately long period already spent behind the bars by the petitioner, we are inclined to grant bail.

4. Accordingly, CRM (NDPS) 300 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 Learned Judge Special Court (NDPS Act) cum Additional Session Judge, 2nd Court 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.)