

AD-41
Ct No.01
Jalpaiguri
24.07.2024
B.Pal

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

CRM (NDPS) 315 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.07.2024 in connection with Matigara Police Station Case No. 1115 of 2021 dated 01.10.2021 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of: BISWAJIT DAS @ FATIK

...Petitioner

Mr. Kakoli Bose,
Mr. Akhil Biswas

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Sourav Ganguly,
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for 2 years 9 months and 23 days. It is also contended that only 4 witnesses out of total 11 witnesses have been examined as yet.
2. Learned counsel for the petitioner also points out that whereas the search and seizure took place on October 1, 2021, the samples were sent for chemical analysis 24 days thereafter, thereby causing a violation of Section 52A of the NDPS Act.

3. Learned counsel for the State opposes the prayer for bail and submits that the trial is on the verge of completion and given about two months, it can be ensured that the trial is concluded during this period.
4. In view of the prolonged custody already suffered by the petitioner, we do not find any further relevance of continuing the custody of the petitioner during trial.
5. Accordingly, CRM (NDPS) 315 of 2024 is 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 (NDPS Act), Siliguri.
6. The petitioner shall not leave the territorial jurisdiction of the trial court throughout the period of trial and shall attend each and every date of trial.
7. 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.)