

AD-24
Ct No.01
Jalpaiguri
25.07.2024
SP

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

CRM (NDPS) 317 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Jaigaon Police Station Case No. 100/2023 dated 17.04.2023 under Section 22(c) of the NDPS Act, 1985.

And

In the matter of: ANIL TAMANG AND ANR

. . . .for the petitioners

Mr. Rajarshi Bhowmik, Adv.

... for the petitioners

Mr. Aditi Shankar Chakraborty, Adv.

Mr. Sourav Ganguly, Adv.

Mr. Chattu Roy, Adv.

... for the State

1. Learned counsel for the petitioners candidly submits that a previous prayer for bail of the petitioners was rejected on September 18, 2023.
2. Subsequently on one occasion, the matter was dismissed as not pressed.
3. It is submitted however, that the petitioner, as of today, has already been behind the bars for a prolonged period of 463 days and charges are yet to be framed.

4. Learned counsel for the State opposes the prayer for bail and submits that August 8, 2024 has been fixed for framing of charges.
5. We find from the order dated September 18, 2023 that the petitioners' contention on the merits of the case had been turned down and it was left open for being argued at the stage of trial. However, such rejection as long back as on September 18, 2023, does not mitigate the fact that the petitioner has been in custody till date thereafter without even charges being framed. The total period of custody now being 463 days, we are of the opinion that the benefit of bail should be granted on such ground alone.
6. Accordingly, CRM (NDPS) 317 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 Additional Session Judge 1st Court, (Special Court under NDPS Act) at Jalpaiguri. The sureties may be common in respect of both the petitioners.
7. 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.
8. 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.)