

JPD-27
Ct No.01
25.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 324 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jaigaon** Police Station Case No. **300** of **2022** dated **24.12.2022** under Section **22(c)** of the **NDPS Act**.

And

In the matter of: **Molay Sarkar**

.... petitioner

Mr. Supritam Nag,
Ms. Trishna Roy,
Mr. Arko Sarkar

... for the petitioner

Mr. Saikat Chatterjee,
Ms. Sukanya Adhikary

... for the State

1. The petitioner has made out a strong case for grant of bail, since the petitioner is already in custody for 578 days. Even after the passage of 413 days after filing of the charge sheet on June 07, 2023, the charges have not yet been framed. The next date is fixed on September 12, 2024 for the purpose of production and framing of charges.
2. It is further contended that till date no copies have been served on the petitioner.
3. Learned counsel for the State opposes the prayer for bail.

4. Apart from the long period of custody, the delay in framing of charges is also a mitigating factor to alleviate the bar under Section 37 of the NDPS Act.
5. Accordingly, CRM (NDPS) 324 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act), Additional Sessions Judge, First Court, Jalpaiguri.
6. The petitioner 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.
7. 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.)