

JPD-58
Ct No.01
24.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 334 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Falakata** Police Station Case No. **67** of **2023** dated **18.02.2023** under Sections **21(c)/25/29** of the **NDPS Act**.

And

In the matter of: **Hasinul Islam**

.... petitioner

Mr. Arjun Chowdhury,
Mr. Pratusha Dutta Chowdhury,
Ms. Riya Agarwal,
Mr. Koushik Kumar Kanu,
Mr. Tulip Saha

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Ujjwal Luksom
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner contends that the petitioner is in custody for a period of 523 days. It is further submitted that the persons who signed the memo of arrest as independent witnesses do not find place either in the seizure list or among the charge sheeted witnesses.
2. That apart, it is argued that although charge sheet was filed in the month of July last year, no copies have yet been served on the

petitioner, nor have charges been framed. Violations under Section 42 of the NDPS Act are also alleged.

3. Learned counsel for the State opposes the prayer for bail and submits that the points urged by the petitioner can very well be canvassed in trial. It is also pointed out that in an order dated May 21, 2024, a coordinate Bench requested the trial court to consider the issue of framing of charges at the earliest.
4. We find from the records, however, that despite such observation in the order dated May 21, 2024 by a coordinate Bench in CRM (NDPS) 80 of 2024, as yet, even after the lapse of almost two months thereafter, charges have not been framed.
5. Hence, we are inclined to grant bail to the petitioner, keeping in view the prolonged period of incarceration (523 days) which the petitioner has already suffered.
6. Accordingly, CRM (NDPS) 334 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 Special Court (NDPS) at Jalpaiguri.
7. 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.
8. 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.)