

AD-61
Ct No.01
Jalpaiguri
24.07.2024
B.Pal

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

CRM (NDPS) 337 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2024 in connection with Alipurduar Jn. GRPS No. 01 of 2021 dated 05.02.2021 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: FAJLE MIYA

...Petitioner

Mr. Supritam Nag,
Ms. Trishna Roy,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

1. The petitioner contends that the petitioner is in the custody for 1265 days. Charge-sheet was submitted on May 31, 2021 and supplementary charge-sheet with the FSL report was submitted on January 17, 2024, that is, almost three years thereafter. In the meantime, charges were framed on August 4, 2023 without the FSL report being filed.
2. Out of a total of twelve witnesses, only one has been examined till date.
3. Learned counsel for the State opposes the prayer for bail.

1. However, in view of the circumstances outlined above, we find sufficient justification to extend the benefit of bail to the petitioner. Accordingly, CRM (NDPS) 337 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 Court of Additional Session Judge (Special Court, NDPS) 1st Court at Jalpaiguri.
2. 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.
3. 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.)