

JPD-61
Ct No.01
01.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 364 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with **Pradhannagar** Police Station Case No. **726** of **2018** dated **21.12.2018** under Sections **20(b)(ii)(c)/29** of the **NDPS Act**.

And

In the matter of: **Sahin Molla and another**

.... petitioners

Mr. Sagar Saha,
Mr. Firdous Jaman

... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Abhijit Sarkar,
Mr. Sagnik Sankar Sikdar

... for the State

1. Learned counsel for the petitioners argues that initially interim bail was granted by the trial court on the observation that the seizure was just above commercial quantity which might get reduced subsequently upon weights being taken properly. However, due to the COVID period and subsequent difficulties, the interim bail could not be extended. Thereafter, there was a rejection by a coordinate Bench about 100 days back.
2. It is submitted that the petitioners are in custody for about nine months and that although charges were framed as long back as on November 16, 2023, till date evidence has not commenced. On as many as four dates, the charge sheet witnesses did not turn up

to adduce evidence, leading to the delay in the commencement of trial.

- 3.** Learned counsel appearing for the State opposes the prayer for bail and submits that if so directed, the trial can be concluded within six months.
- 4.** However, we find from the certified copy of the order-sheet as well as the materials annexed to the application that the conduct of the prosecution does not inspire confidence that the timeline of six months, even if given, would be adhered to, particularly since on the last four dates, none of the charge sheeted witnesses turned up for examination.
- 5.** The petitioners are in custody for about nine months and had initially been granted interim bail. The quantity recovered was 20 kgs and 600 grams, which is just above the commercial quantity.
- 6.** As such, we do not find any requirement to further detain the petitioners in custody during trial.
- 7.** Accordingly, CRM (NDPS) 364 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 Special Court (NDPS Act), Siliguri. The sureties may be common for both the petitioners.
- 8.** 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.

9. 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.)