

JPD-76
Ct No.01
30.07.2024
S.Pal

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

CRM (NDPS) 367 of 2024

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Kumargram
Police Station Case No.316 of 2022 dated 22.10.2022 under Sections
20(b)(ii)(C)/25/29 of the NDPS Act.

And

In the matter of: Prahlad Kumar and Another

...Petitioners

Mr. Somdeep Dutta
Mr. Anirban Banerjee

... for the petitioners

Mr. Abhijit Sarkar
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioners contends that the
petitioners are in custody for 648 days and that on the last
two occasions the *de facto* complainant did not turn up, for
which the trial could not be proceeded with.
2. Learned counsel for the State vehemently opposes the prayer
for bail and argues that at least three co-ordinate Benches

have rejected similar prayers of the petitioners, lastly on April 3, 2024, upon considering all facets of the matter.

3. It is argued that the petitioners are not interested in completion of the trial but in seeking bail repeatedly.
4. We find from the records that the petitioners' previous applications for bail had undoubtedly been rejected.
5. However, we cannot lose sight of the fact that as yet, only the charges have been framed and no witness has yet been examined whereas there are as many as fifteen charge sheet-named witnesses. Since long incarceration itself is a sufficient ground for diluting the rigours of Section 37 of the NDPS Act, as held by the Supreme Court time and again, we are inclined to grant bail to the petitioners, of course, on conditions as enumerated below.
6. Accordingly, CRM (NDPS) 367 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), Jalpaiguri.
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.)