

JPD-57
Ct No.01
02.08.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 392 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 101 of 2023 dated 25.02.2023 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In the matter of: **Amir Ahamad Shaikh @ Amir Shaikh**

.... petitioner

Mr. Supritam Nag
Ms. Trishna Roy

... for the petitioner

Mr. Nilay Chakraborty
Mr. Biswarup Roy

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 521 days.
2. Charges have not yet been framed and copies not served.
3. There is an apparent contradiction between the versions of the State and the petitioner as to whether the next date, that is, August 13, 2024 has been fixed for evidence of PW1 or for production and further order.
4. Learned counsel for the petitioner places reliance on the version of the order as uploaded on the official CIS website in support of his contention.
5. We choose to go by such version.

6. In the present case, on May 13, 2024 a coordinate Bench had refused the prayer for bail on the assurance given by the prosecutor that the trial shall be completed within one year from the next date fixed for recording evidence subject to cooperation by the defence and systematic delays.
7. However, thereafter one date has already elapsed and we do not find anything to show that trial has commenced even thereafter.
8. In fact, on the last date which was fixed on July 2, 2024, which was after the previous refusal of bail, the PW1 failed to turn up even as per the case of the prosecution.
9. Hence, we lose confidence that the trial would be concluded within one year since the evidence has not yet commenced despite the assurance of the prosecutor given to the court regarding completion of trial within one year from the next date.
10. Keeping in view such circumstances, we are inclined to grant bail to the petitioner.
11. Accordingly, CRM (NDPS) 392 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 Learned Additional Session Judge, First Court at Jalpaiguri.
12. 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.

- 13.** 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.)