

58. 08.11.2024
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (NDPS) 476 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kotwali** Police Station Case No. **420/2022** dated **30.06.2022** under Section **20(b)(ii)(c)/25** of the NDPS Act, 1985.

And

In the matter of: - **Yogendra Singh**

...petitioner.

Mr. Supratim Nag
Ms. Trishna Roy
Mr. Arko Sarkar

...for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Subhasis Misra

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on August 12, 2024, in CRM (NDPS) 397 of 2024. He says that he is in custody for 860 days i.e. approximately two and half years. He tells us that charge-sheet was filed on December 19, 2022. Till date charge has not been framed. On the ground of delay he prays for bail.
2. Opposing the prayer for bail learned State Advocate tells us that approximately 134 Kgs. of *ganja* was recovered from this petitioner. There is sufficient incriminating evidence

against him. Yesterday (07.11.2024) was the date fixed for framing of charge. However, charge has not been framed.

3. We are astonished to find that even after almost two years of filing of charge-sheet charge has not been framed. There are 19 charge-sheet named witnesses. The trial has not even begun. On the touchstone of Article 21 of the Constitution of India, we feel impelled to allow the bail prayer of the petitioner.
4. Accordingly, we direct that the petitioner, namely, **Yogendra Singh** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- (Rupees Twelve Thousand Five Hundred) each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Jalpaiguri, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (NDPS) 476 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all necessary formalities.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)