

27.11.2024
SL No.14
srm/Mujahid
(Allowed)

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

C.R.M. (NDPS) 494 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **05.11.2024** in connection with **New Jalpaiguri** P.S. Case No. **942/2023** dated **01.10.2023** under Sections 20(b)(ii)(c)/25/28/29 of the NDPS Act.

And

In the matter of: **Pradip Sarkar @ Joy**

....Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra

...for the State

The petitioner prays for bail. He is in custody for 114 days. Charge-sheet has been submitted. Charges have not yet been framed. Two of the co-accused persons are absconding.

Learned Advocate for the State opposes the prayer and submits that the principal accused is still in custody and the petitioner fled away from the place of occurrence.

Perused the materials on record. The name of the petitioner transpired from the statement of the principal accused made before the police officer. 14 witnesses have been cited in the charge-sheet. There is a remote possibility for early conclusion of the trial.

Under such circumstances and as no recovery was made from the petitioner, as also on the touchstone of Article 21 of the Constitution of India, we are inclined to grant bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, 1st Court Jalpaiguri and on further conditions that the petitioner shall not leave the territorial jurisdiction of the trial court during entire period of trial and shall attend court on each and every date. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)