

03.12.2024
SL No.19
srm/Mujahid
(Allowed)

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

C.R.M. (NDPS) 527 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 **11.11.2024** in connection with **Pradhan Nagar** P.S. Case No. **526/2023** dated **19.07.2023** under Sections 21(c)/22(c)/27A of the NDPS Act.

And

In the matter of: **Padam Pradhan @ Padan Prahdan**

....Petitioner

Mr. Subham Ghosh,
Mr. Mayank Roy

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Dr. Arjun Chowdhury

...for the State

The petitioner prays for bail on the ground of prolonged detention. The petitioner is in custody for 502 days. It is submitted that 11 witnesses have been cited in the charge-sheet and there is no possibility of early conclusion of trial.

Learned Advocate for the State has opposed the prayer for bail. He has produced the case diary. He submits that commercial quantity of codine mixture (cough syrup) was allegedly seized from the petitioner.

We have considered the period of detention. We have considered that 11 witnesses have been cited in the charge-sheet and only one witness has been examined in part on September 19, 2024. There has been no further progress

thereafter. On such considerations and on the touchstone of Article 21 of the Constitution of India, we are inclined to release the petitioner on bail. The prayer for bail of the petitioner is allowed.

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 Special Judge under NDPS Act, Siliguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not leave the territorial jurisdiction of the court till the conclusion of trial. 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.)