

02.12.2024
SL No.34
s.biswas
(Allowed)

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

C.R.M. (NDPS) 542 of 2024

In Re: - An application for bail under Section 483 of the BNSS in connection with **Jaigaon** P.S. Case No. **250/2022** dated **18.10.2022** under Sections **20(C)** of the NDPS Act.

And

In the matter of: **Anup Pariyar**

....Petitioner

Mr. Anshu Narayan Sarkar

...for the Petitioner

Mr. Aditi Shankar Chakraborty, APP

Mr. Biswarup Roy

...for the State

1. Petitioner prays for bail on the ground of prolonged detention and also on the ground that there is hardly any chance of early conclusion of trial. It is submitted that the petitioner is in custody for 276 days. Although charge was framed sometime in April 2024, witness action has not commenced. Twenty four witnesses have been cited. Six scheduled dates have lapsed. The prosecution failed to produce witness.
2. Learned counsel appearing for the State produces the case diary and opposes the prayer for bail and submits that commercial quantity of contraband article was seized from the possession of the petitioner.
3. Considering the materials on record, the period of detention, the fact that there is hardly any likelihood of conclusion of trial soon, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India.

4. 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 Court under NDPS Act, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not leave the jurisdiction of the trial court until further orders.
5. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
6. The application for bail is, thus, allowed.
7. All parties shall act on the basis of the server copy of the order.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)