

02.12..2024
Ct. No. 01
SL No. 36
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (NDPS) No. 548 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Kalchini Police Station Case No. 46/2024 dated 05.04.2024, under Sections 21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: Majidul Miah alias Miya

.....petitioner.

Mr. Bablu Mitra
Ms. R. Shil

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

...for the State

1. Learned advocate representing the petitioner prays for bail on the ground of parity. It is contended that one of the co-accused persons was released on bail by an order dated July 24, 2024, passed by a coordinate bench. The petitioner submits that the charge-sheet was filed without the chemical examination report, only to deprive the petitioner from getting default bail.
2. Learned advocate for the State produces the case diary and objects to the prayer for bail on the ground that commercial quantity of contraband articles was seized from the possession of the petitioner. He submits that the petitioner cannot pray for bail on the ground of parity.
3. We find that the petitioner is in custody for 240 days. We also find that the chemical examination report is yet to be obtained by the prosecution. There is nothing on record to show that the

same would be provided any time soon, although letters have been written by the police authorities. Under such circumstances, this court is of the view that there is no possibility for early conclusion of the trial. 12 witnesses have been cited in the charge-sheet. Considering the above factors, we are inclined to release the petitioner on bail.

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 learned Judge, Special Court under NDPS Act, Alipurduar, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not leave the jurisdiction of the trial court without permission.
5. In the event the petitioner fails to comply with the conditions as stated hereinabove, 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 is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)