

03.12..2024
Ct. No. 01
SL No. 26
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (NDPS) No. 556 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Jaigaon Police Station Case No. 19 of 2024, dated 17.01.2024, under Sections 21(c)/ 29 of the NDPS Act, 1985.

And

In the matter of: Anup Chhetri

.....petitioner.

Mr. Subham Ghosh

Mr. Mayank Roy

... for the petitioner

Mr. Kallol Acharjee

Mr. Biswarup Roy

...for the State

1. Learned advocate representing the petitioner prays for bail on various grounds. He submits that the petitioner is in custody for more than 319 days and there is hardly any chance of early conclusion of trial. Further point of the petitioner is that the arrest itself was illegal as one Rintu Alam whose signature was obtained at the time of arrest, has not been cited as a witness in the charge-sheet. According to the petitioner, Rintu Alam was the figment of imagination of the investigating officer.
2. Learned advocate for the State opposes the prayer and submits that commercial quantity of contraband article was seized from the possession of the petitioner. Investigation is complete and charge-sheet has been submitted.
3. We have considered the period of detention and the Memo of Arrest. We, prima facie, find that early conclusion of trial is not possible.

Under such circumstances, 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 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.)