

04.12.2024
Item No.17
Court No.1
(GB)
(Allowed)

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

CRM (NDPS) 559 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 in connection with **Madarihat** Police Station Case No.76/2024 dated **29.05.2024** under Sections 21(c)/25 of NDPS Act, 1985.

And

In the matter of: **Jahangir Hossain**

....Petitioner.

Mr. Sudhindra Das

...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Sanjiv Das

... for the State.

1. The petitioner prays for bail on the ground of prolonged incarceration and remote possibility of conclusion of trial. The petitioner also submits that charge-sheet was filed after a period of 180 days.
2. The learned advocate for the State hands over the case diary and submits that the charge-sheet was filed within the statutory period.
3. We have gone through the records and we find that the charge-sheet was prepared within the statutory period but the same was forwarded to the court after the statutory period was over.
4. However, considering the period of detention and also the fact that 16 witnesses have been cited in the charge-sheet, and there is hardly any possibility of early conclusion of trial, we are inclined to grant bail.
5. Under such circumstances, 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, under NDPS Act, Alipurduar. The petitioner shall appear before the learned trial court on each and every date of hearing and shall not intimidate the witnesses or tamper with any evidence. The petitioner shall not leave the jurisdiction of the trial court. In case of failure to comply with the above directions, the learned trial Judge shall be entitled to cancel the bail without further reference to this Court.

6. This Court has taken note of the fact that although the investigating officer completed the investigation and placed the charge-sheet before the superior authority on October 30, 2024, it took the superior authority more than a month to forward the charge-sheet to the court. I.G., North Bengal is requested to look into the irregularity and to ensure that such instances are not repeated.
7. The application for bail, being CRM (NDPS) 559 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)