

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**18.04.2022
Court No.1
(AK 03)**

CRM(NDPS) 56 OF 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kotwali P.S. Case No.108 of 2021 dated 15.02.2021 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Parimal Sardar@Parimal SikdarPetitioner.**

Mr. Arjun Chowdhury, Mrs. Pratusha Dutta Chowdhury	For the Petitioner.
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Mr. Aditishankar Chakraborty, Mr. Sourav Ganguly	For the State.
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The petitioner admittedly suffers from 100% speech and hearing impairment. The petitioner has been in custody for 440 days and has suffered from various ailments while in custody. The petitioner has also been referred to the North Bengal Medical College for treatment.

Considering the physical condition of the petitioner and a recent order of the Supreme Court in Criminal Appeal No.176 of 2022 (*Rockysingh Jalindersingh Kalyani vs. The State of Maharashtra*), where the Supreme Court also took into account the physical condition of the person suffering from disability, we are inclined to allow the application for bail.

Learned counsel appearing for the State objects to the prayer for bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Sessions Judge, 1st Court Cooch Behar (NDPS). The petitioner shall not leave the jurisdictional area of the local P.S. and the petitioner shall make himself available before the concerned court and the police station whenever required for investigation and questioning. The petitioner shall also make himself available before the trial court on every date of hearing whenever required and shall not intimidate any witnesses and tamper with any evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as directed, the trial court shall be at liberty of cancelling the bail without further reference to this court.

C.R.M. (NDPS) 56 of 2022 is accordingly allowed and disposed of in terms of the above.

(KESANG DOMA BHUTIA, J.)

(MOUSHUMI BHATTACHARYA, J.)