

D/L. 12.
November 1, 2023
rp/gc

CRM (NDPS) 1783 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2023 in connection with Jagaddal Police Station Case No. 111 of 2022 dated 16.02.2022 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Bikash Kurmi & Anr.

.... Petitioners

Mr. Debasis Kar

... for the Petitioners.

Mr. Swapan Banerjee,
Mr. Pravas Bhattacharya

... for the State.

1. Learned Counsel for the petitioners contends that due to institutional laches, the petitioners are in incarceration since February 16, 2022.
2. Upon hearing learned Counsel for the parties, it is found that although the arrest and seizure took place allegedly on February 16, 2022, the charge-sheet was filed on August 11, 2022 even as per the State, without the CFSL report. Surprisingly, the CFSL report was filed with a supplementary charge-sheet on July 7, 2023 after being received only on July 6, 2023.
3. Hence, we are rather surprised with the utterly lackadaisical attitude on the part of the investigating authorities, since the seizure was allegedly effected on February 16, 2022 but the CFSL report was received only on July 6, 2023.

4. Such huge gap of time in receiving the CFSL report and filing the same is itself tantamount to gross institutional laches, which creates a dent in the rigour under Section 37 of the N.D.P.S. Act. Hence, CRM (NDPS) 1783 of 2023 is allowed, thereby granting bail to the petitioners on condition of furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore.
5. Moreover, the petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial and shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)