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

CRM (NDPS) 95 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Sitai Police Station Case No. 21 of 2022 dated 10.02.2022 under Sections 21(c)/29 of the NDPS Act, 1985.

In the matter of : Sudeb Barman and another
... petitioners

Mr. Sekhar Kumar Basu,
Mr. Antarikhya Basu,
Mr. Hillol Saha Poddar,
Ms. Madhumita Basak

...for the petitioners

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioners contends that the CFSL report was not submitted along with the charge sheet. Upon query of Court, learned counsel for the State expresses inability to furnish any document to show that subsequently any supplement charge sheet was filed along with the CFSL report. As it stands today, CFSL report has not been filed.

In such view of the matter, we are inclined to grant bail to the petitioners since the presumption of Section 37 of the NDPS Act is not operative in this case.

Accordingly, CRM (NDPS) 95 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish individual bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, (under NDPS Act), Cooch Behar. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date. Moreover, the petitioners 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 the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)