

D/L. 58
February 9, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 100 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with N.D.P.S. Case No. 21 of 2021 arising out of Rajganj Police Station Case No. 195 of 2021 dated 25.05.2021 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Debasish Das and another

.... Petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das,
Mr. Biplab Dey

... for the petitioners

Mr. A. S. Chakraborty,
Mr. Tapan Bhattacharjee

... for the State.

Learned counsel for the petitioners submits that the petitioners are in custody for about one year and ten months. That apart, the charge-sheet has been filed without any CFSL report, it is argued.

Learned counsel appearing for the State opposes the prayer for bail and submits that in the meantime the CFSL report has been filed. Moreover, the presumption under Section 37 of the NDPS Act is operative.

Heard learned counsel for the parties.

Keeping in view the stage of trial and the period of incarceration already suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 100 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish individual 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 Judge, Special Court (under NDPS Act), at Jalpaiguri.

The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioners shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances 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.)

(Rai Chattopadhyay, J.)