

D/L. 35
February 10, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 118 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.01.2023 in connection with New Jalpaiguri Police Station Case No. 770 of 2021 dated 14.07.2021 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Biswanath Barman @ Chunai

.... Petitioner

Mr. Sandeep Dutta,
Mr. Tapabrata Ghosh

... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State.

Learned counsel for the petitioner contends that the petitioner is in custody for 529 days. That apart, sample was sent for inventory after 72 hours.

Learned counsel appearing for the State opposes the prayer for bail and contends that there is no time stipulation regarding Section 52 of the NDPS Act. Moreover, it is argued, regarding the contention of the petitioner that no CFSL report was submitted along with the charge-sheet, that there is conflict of judicial opinion on such issue.

Heard learned counsel for the parties.

From the submissions of parties, it is evident that regarding one of the objections raised by the petitioner, that is, the charge-sheet being filed without the CFSL report, there is admittedly a conflict of judicial opinion and

the matter is pending for adjudication before the Supreme Court. With regard to the period of custody, the petitioner is already behind the bars for about 529 days. Considering the said two considerations conjointly, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 118 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, 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 petitioner 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 petitioner 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.)