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

CRM (NDPS) 158 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Kharibari Police Station Case No. 75 of 2022 dated 15.03.2022 under Sections 21(c)/22(c) of the NDPS Act, 1985.

In the matter of : Lakhan @ Laxman Ghosh @ Lakahan Ghosh
... petitioner

Mr. Sourav Ganguly,
Mr. Alok Sah

...for the petitioner

Mr. Nilay Chakraborty,
Ms. Namrata Das

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner contends that there has been change of circumstances after the last refusal of bail to the petitioner.

Learned counsel appearing for the State opposes the prayer for bail.

We find from the records that what was not considered previously is, inter alia, that the charge sheet was initially submitted after 180 days. The prayer for extension of time was made not by the Public Prosecutor, who was conducting

the case, independently and by application of his mind, but by the Investigating Officer himself. Moreover, the only ground for extension was the non-availability of the CFSL report, which cannot be the sole ground for such extension.

Hence, we are of the opinion that the petitioner should be granted bail.

Accordingly, CRM (NDPS) 158 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), 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), Siliguri. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend trial on each and every date. Moreover, the petitioner 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.

CRM (NDPS) 158 of 2023 is, accordingly, disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)