

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

14.08.2023
Court No.1
(D/L 01)
(AK)

CRM (NDPS) 294 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 06.04.2023 in connection with Bhaktinagar Police Station Case No.1188 of 2022 dated 03.11.2022 under Sections 21 of the N.D.P.S. Act, 1985.

And

In the matter of: **Sunu Shrivastav @ Sonu Shrivastav**
... Petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Tapan Bhattacharjee

... for the State.

The records in the case diary show that a prayer was made by the SI of police to the Director, State Drug Control and Research on 18th December, 2022 for the chemical report of the exhibits. The letter further shows that the documents/exhibits were sent to the office of the Director on 14th November, 2022 for examination and opinion.

Admittedly, the chemical examination report has not been provided to the IO till date. The facts are sufficient to rebut the statutory restriction under Section 37 of the NDPS Act.

The petitioner has been in custody for 284 days and the charge sheet has already been filed on 21.04.2023.

Reliance in this respect is placed on a coordinate Bench judgment in CRM (NDPS) 95 of 2023 where the application for bail was allowed on similar circumstances.

We are hence inclined to grant prayer for bail.

We accordingly, direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand only) with two sureties each of like amount, one of who must be local and to the satisfaction of the learned Judge, Special Court (NDPS Act), Jalpaigudi. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

C.R.M.(NDPS) 294 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)