

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

16.08.2023
Court No.1
Item. 15
(Suvendu)

CRM(NDPS) 461 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bhaktinagar Police Station Case No. 922 of 2021 dated 22.07.2021 under Section 21(b)/ 22(b) of the NDPS Act, 1985.

And

In the matter of: Pranesh Adhikary

.Petitioner.

Mr. Biswarup Roy

For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Nag

For the State.

1. This matter was taken up on 14th August, 2023 and the I.O. was directed to be present today since the prosecution did not have the relevant instructions.
2. The undisputed fact is that the petitioner has been in custody since 22nd July, 2021 and the charge-sheet was submitted in September, 2021. Admittedly, the CFSL Report has still not reached the I.O. despite a request made for such on 10th August, 2021.
3. The I. O. is present and informs the Court that the authorities based in Kolkata and have allegedly not responded to the request made for the CFSL Report from August, 2021.
4. The Court is also informed that charges are still to be framed by the NDPS Court Jalpaiguri.

5. Considering the long period of incarceration and the total inaction on the part of the prosecution to obtain the CFSL Report and the non-framing of the charges for more than two years, we are of the view that the aforesaid factors are sufficient to rebut the statutory restriction under Section 37 of the NDPS Act.

6. The prayer for bail is hence allowed.

7. 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 of like amount each, one of who must be local, to the satisfaction of the learned Special Judge, Special Court (Under NDPS Act), 2nd Court, Jalpaiguri. 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.

8. CRM(NDPS) 461 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

