

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

14.08.2023
Court No.1
Item. 25
(Suvendu)

CRM(NDPS) 493 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NJP Police Station Case No. 1224 of 2022 dated 17.11.2022 under Section 21(c)/22 (c) of the NDPS Act, 1985.

And

In the matter of: Mithun Sarkar

.Petitioner.

Mr. Ratan Banik
Mr. Sankar Sarkar

For the Petitioner.

Mr. Sourav Ganguly
Mr. Chattu Roy

For the State.

Admittedly, the CFSL Report has not been filed despite a request made for such on 20th November, 2022.

The petitioner has been in custody of 282 days and the charge-sheet was filed without the CFSL Repor.

A coordinate Bench decision of CRM (NDPS) 95 of 2023 has been placed before us where on almost identical facts the accused persons were granted bail.

Learned counsel appearing for the State cannot apprise the Court as to whether the CFSL Report will be received at any future date or not.

We are accordingly of the view that the prayer for bail should be granted and the facts are sufficient to rebut the statutory restriction under Section 37 of the NDPS Act, 1985.

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 Additional District and Sessions Judge , 1st Special Court (Under NDPS Act), 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.

CRM(NDPS) 493 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA,J.)