

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

14.08.2023
Court No.1
Item. 32
(Suvendu)

CRM(NDPS) 542 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. 1379 of 2022 dated 28.12.2022 under Sections 21(c)/ 22(c)/ 25 of the NDPS Act, 1985.

And

In the matter of: Sahir Ali

.Petitioner.

Mr. Jaydeep Kanta Bhowmik
Mr. Naser Ali
Mr. Tushar Debnath
Ms. Rikta Sarkar

For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswa

For the State.

It is submitted on behalf of the accused petitioner that the petitioner is in custody for a considerable period of time. The Charge-sheet has already been submitted without obtaining the Report which would be received from SD CRA. There is no immediate chance of commencement of trial.

Learned counsel appearing for the State vehemently opposes the prayer for bail filed by the accused petitioner. It is submitted that in course of time the Report should be collected by the concerned I.O and there is no bar for submitting Report after submission of charge-sheet.

We have considered the rival submissions advanced by both the parties. It appears that this accused petitioner is in custody since 28.12.2022. In the meantime, investigation process has been ended up

by the prosecuting agencies. Considering the entire materials placed before us and also considering that there is no immediate chance of commencement of trial, we are of the opinion that accused petitioner may be enlarged on bail.

The attention of this Bench is drawn to a decision passed by the Co-ordinate Bench in CRM(NDPS) 95 of 2023 in which the Co-ordinate Bench opined that since the Report has not been submitted the accused petitioner was enlarged on bail.

The accused petitioner is accordingly released on bail subject to furnishing of bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be a local, subject to the satisfaction of the learned Special Judge (under NDPS Act), Special Court Jalpaiguri. It is further directed that the accused petitioner shall make himself available before the Trial Court on each date of hearing and shall not induce or influence any of the charge-sheeted witnesses.

If any of the conditions mentioned above is not complied with the learned Trial Court shall be at liberty to cancel the bail without further reference to this Court.

CRM(NDPS) 542 of 2023 is allowed and disposed of accordingly.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

