

24.08.2023
Court No.1
Item No.14
(sg/KS)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Bagdogra Police Station Case No.33 of 2023 dated 23.01.2023 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

[illegible]

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Nag
.....for the State

1. It is submitted on behalf of the accused petitioner that he was arrested on 23.01.2023 and since then he is in custody. Thereafter investigation process was completed and charge-sheet was submitted by the Investigating Agency before the Court of learned A.C.J.M., Siliguri on 22.07.2023 without annexing the chemical examination report. Thereafter on 24.07.2023, charge-sheet was again submitted before the Court, where the case is pending alongwith the chemical examination report. It is further submitted that on the very date, the application for getting order of statutory bail was filed by the accused petitioner but it was rejected by the learned Trial Court, as it is reflected from the order

No.19 dated 31.07.2023. So, he prays that the accused petitioner is entitled to get bail as per the provision of law.

2. Learned counsel appearing on behalf of the State conceded about the fact of filing of charge-sheet before the court of learned Additional Chief Judicial Magistrate without annexing the chemical examination report. He also conceded about the fact that subsequently the charge-sheet was filed before the learned Trial Court with the chemical examination report.
3. Learned counsel for the State is not in a position to give explanation about the submission of charge-sheet before the learned A.C.J.M. without the chemical examination report and thereafter before the learned Trial Court with the chemical examination report.
4. We find that it is a statutory infraction and does not tenable under the provision of law.
5. So, we are constrained to hold the accused petitioner will be released on bail.
6. The petitioner shall accordingly be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees twenty thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Special Court, NDPS Act, Siliguri with further condition that he makes himself available before the learned Trial Court on each and every date of hearing and if he is found absent without any justifiable cause, the learned Trial court is at liberty to cancel order of bail without any further reference to this Court. Accused petitioner shall also not leave the jurisdiction of the concerned police station

without leave of the concerned authorities. The petitioner shall not induce witnesses or influence them or tamper with the evidence.

7. CRM (NDPS) 561 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)