

AD-16
Ct No.01
Jalpaiguri
13.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 604 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **14.08.2023** in connection with **Pradhannagar** Police Station Case No. **165** of **2023** dated **10.03.2023** under Section **21(c) & 22(c) and 27A of the (NDPS Act, 1985)**.

And

In the matter of: SAROJ SAHANI@SANOJ

.... petitioner

Mr. Somraj Paul
Mr. Chhoton Barman

... for the petitioner

Mr. Abhijit Sarkar
Mr. Chattu Roy

... for the State

1. Heard learned counsel for the parties. The State vehemently opposes the prayer for bail and it is submitted that commercial quantity of banned substance was seized from the petitioner.
2. Upon hearing learned counsel, we find that the petitioner is already in custody for 188 days. Further, the samples were apparently sent for FSL report on June 4, 2023 whereas the petitioner was apprehended on March 10, 2023, leaving a gap of about three months in between, which taints the presumption under Section 37 in the present case.

3. Accordingly, CRM (NDPS) 604 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Judge (NDPS Act) Siliguri.
4. The petitioner shall attend each and every day of trial and shall not leave the territorial jurisdiction of the trial court throughout the period of trial.
5. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)