

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

25.08.2023
Court No.1
Item No.24
(sg/KS)

CRM (NDPS) 630 of 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kumargram Police Station Case No.56 of 2022 dated 30.01.2022 under Sections 20(b)(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Raju Das

.Petitioner.

Mr. Sudip Guha
.....for the Petitioner

Mr. Abhijit Sarkar
Mr. Kallol Nag
Ms. Sukanya Adhikari
.....for the State

1. It is submitted on behalf of the accused petitioner that he has been in custody since 31.01.2022 and after completion of investigation, the prosecuting agency submitted the charge-sheet. It is further submitted that there is no number in the charge-sheet and the persons, who were present as a witness at the time of arrest of the accused persons were not cited as a witness in the charge-sheet. He further submits that there is no requirement of further detention of this accused petitioner behind the bar and he may be enlarged on bail.
2. Learned counsel appearing on behalf of the State also conceded about the fact which is submitted by the learned counsel for the accused petitioner.
3. I.O. of this case is present before this Court. On asking, he also failed to give any satisfactory explanation about the mistakes done by him at the time of submission of the charge-sheet.

4. We find that bail prayer on the ground of statutory infraction in submission of charge-sheet is not fettered by restriction under Section 37 of the NDPS Act.
5. Considering the submissions advanced by both the parties and considering the accused petitioner behind the bar and the facts stated above, we are inclined to enlarge the accused petitioner 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, Jalpaiguri with a 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 shall be at liberty to cancel his bail in accordance with law 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) 630 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)