

AD-25
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

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

CRM (NDPS) 663 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Bhaktinagar Police Station Case No. 1294 of 2022 dated 04.12.2022 under Sections 21(C) of the NDPS Act, 1985.

And

In the matter of: **SUMAN MAJHI**

Mr. Sandeep Dutta,
Mr. Tapabrata Ghosh,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner submits that there was inordinate delay after seizure in sending the samples for examination. It is further argued that the FSL Report was not a part of the charge-sheet.
2. It is, thus, contended that the process of arrest of the petitioner under the NDPS Act was faulty.
3. Learned counsel for the State strongly opposes the prayer for bail and submits that the propositions of law raised by the petitioner are sub judice before the Supreme Court.

4. However, considering the fact the petitioner has raised an arguable case to prima facie dislodge the prohibition under Section 37 of the NDPS Act, CRM (NDPS) 663 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, under NDPS Act-cum-Additional Sessions Judge, 1st Court at Jalpaiguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
6. Further, 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.)