

AD-18
Ct No.01
Jalpaiguri
18.09.2023
B.Pal

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

CRM (NDPS) 702 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Madarihat Police Station Case No. 184 of 2022 dated 30.10.2022 under Section 22(c) of the NDPS Act, 1985.

And

In the matter of: **MAHATAB ALI**

...Petitioner

Mr. Chiranjit Sarkar,

... for the petitioner

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner argues that the petitioner's prayer for bail was refused on February 2, 2023.
2. Charges have not been framed. That apart, due to no fault of the petitioner, the initial charge-sheet was filed without the FSL Report, upon which a supplementary charge-sheet has

been filed. Such incidents have taken place after the previous refusal of bail.

3. Learned counsel for the State vehemently opposes the prayer for bail.
4. However, we find that even after the previous refusal of bail on February 2, 2023, the initial charge-sheet had to be supplemented with a further charge-sheet in view of the lacuna on the part of the prosecution since no FSL Report accompanied the previous charge-sheet.
5. Keeping in view such circumstances and incarceration of the petitioner for some period, we are inclined to grant bail to the petitioner. Accordingly, CRM (NDPS) 702 of 2023 is thus 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 Special Court under NDPS Act, at Jalpaiguri.
6. 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.
7. 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.)