

AD-15
Ct No.01
Jalpaiguri
18.09.2023
B.Pal

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

CRM (NDPS) 708 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 Bagdogra Police Station Case No. 231 of 2022 dated 16.05.2022 under Sections 21(c) of the NDPS Act, 1985 corresponding to C.R. (NDPS) Case No.61 of 2022.

And

In the matter of: **MD. ABBAS**

...Petitioner

Mr. Subham Ghosh,
Mr. Mayank Roy

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner submits that the petitioner is in custody for 491 days. That apart, there was apparent violation of Section 52A of the NDPS Act in so far as the application for certificate of inventory was made on May 19, 2022 and the inventory was made on May 21, 2022. In the meantime, on May 20, 2022, the samples were sent for FSL Report before obtaining the certificate of inventory.

2. We are convinced that a prima facie strong case, thus, has been made out by the petitioner to off-set the rigour of Section 37 of the NDPS Act.
3. Therefore, despite the strong objection of the State and keeping in view the period of custody, CRM (NDPS) 708 of 2023 is allowed, 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 Siliguri.
4. 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.
5. 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.)