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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 728 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Matigara Police Station Case No. 108 of 2023 dated 18.02.2023 under Section 21(c) of the NDPS Act, 1985.

In the matter of : Bipul Roy & Anr.

... Petitioners

Mr. Hillol Saha Poddar,
Ms. Mousumi Das

...for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra

.....for the State

1. Learned counsel for the petitioners points out that there was a delay in issuance of certificate of inventory regarding the samples and sending the samples for FSL report.
2. That apart, the petitioners are already in custody for about 215 days and charge sheet has already been submitted.
3. Upon hearing learned counsel for the parties, apart for the above mitigating circumstances, we do not find any reason for further custodial trial of the petitioners.
4. Hence, although learned counsel for the State opposes the prayer for bail, we are inclined to grant bail to the petitioners.

5. Accordingly, CRM (NDPS) 728 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (under NDPS Act), Siliguri. The surety in respect of both the petitioners may be common. The petitioners shall not leave the territorial jurisdiction of the Trial Court during the entire period of trial and shall attend on each and every date of trial.
6. Moreover, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)