

AD-18
Ct No.01
Jalpaiguri
21.09.2023
B.Pal

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

CRM (NDPS) 735 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 Mathabhanga Police Station Case No. 53 of 2022 dated 08.02.2022 under Sections 20(b)(ii)(C)/29 of the NDPS Act, 1985.

And

In the matter of: ABHINAY PAL AND ANR

...Petitioners

Mr. Arjun Chowdhury,
Mr. Pratusha Dutta Chowdhury,
Ms. Piya Agarwal

... for the petitioners

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary

... for the State

1. Learned counsel for the petitioners has made out two concrete grounds for grant of bail.
2. First, although it was mentioned in the complaint that there is no independent witness, a person signed as an independent witness in the Memo of Arrest, who was neither mentioned in the charge-sheet nor has been sought to be produced as a witness.

3. Secondly, the samples were apparently sent to one Botanical Survey of India, which is not a designated laboratory for conducting such tests.
4. Learned counsel for the State opposes the prayer for bail.
5. However, in view of the alleviating circumstances mentioned above, CRM (NDPS) 735 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act) at Cooch Behar. The sureties may be common in respect of both the petitioners.
6. The petitioners 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 petitioners 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.)