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

CRM (NDPS) 396 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.11.2022 in connection with Jaigaon Police Station Case No. 35 of 2022 dated 25.02.2022 under Sections 22 (C) of the NDPS Act, 1985.

In the matter of : Om Prakash Jaiswal and another
... Petitioners

Mr. Dipak Kumar Dutta,
Mr. Debjit Kundu,
Mr. Tanmoy Das
...for the Petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Saikat Chatterjee
.....for the State.

The premise on which the bail has been sought in this case under the N.D.P.S. Act is that the time for filing investigation report was extended twice without proper notice to the accused persons, which is a mandate in law.

Learned counsel appearing for the State submits that it has been settled by a larger Bench at the principal seat of this Court that the said non-service cannot vitiate the entire process. However, it is candidly submitted that there is some contradictions in the corroboration of the accused persons against the present petitioners inasmuch as the independent witnesses did not corroborate the fact that the

present petitioners were in the truck which was intercepted with the contraband articles.

In view of such doubt having arisen *prima facie*, we are of the opinion that, keeping in view that the petitioners are already in custody for 341 days, the petitioners should be granted bail.

Accordingly, CRM (NDPS) 396 of 2022 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall individually furnish bonds 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 Judge, Special Court, (under NDPS Act), Jalpaiguri. The sureties may be common for both the petitioners. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on every date. 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.

CRM (NDPS) 396 of 2022 is, accordingly, disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)