

28.11.2024
SL No.11
s.biswas
(Allowed)

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

C.R.M. (NDPS) 515 of 2024

In Re: - An application for bail under Section 483 of the BNSS in connection with **Kalimpong** P.S. Case No. **152/2023** dated **22.11.2023** under Sections **22(c)** of the NDPS Act.

And

In the matter of: **Koushik Roy @ Bapi**

....Petitioner

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Ms. Rishita Chakraborty

...for the Petitioner

Mr. Ujjwal Luksom
Mr. Chattu Roy

...for the State

1. The petitioner has been in custody for approximately one year. Although charge-sheet has been submitted, witness action has not started. Charges have been framed. The petitioner contends that the report of the CFSL will indicate that the gala seal did not match with the sample received. It is also contended that there is every chance of tampering.
2. Learned counsel appearing for the State opposes the prayer for bail and submits that the witness action will start on February 28, 2025. The fact that gala seal did not match with the sample received could not be a ground for enlarging the petitioner on bail. Commercial quantity was seized from the joint possession of the petitioner.
3. Considering the materials on record and the FSL report, we find that the gala seal did not match with the sample received. We also find that the petitioner was not an FIR

named accused. He was apprehended seven days after the arrest of the principal accused on the basis of the confessional statement of the accused. Moreover, 17 witnesses have been cited and the witness action is yet to start. Upon considering of the facts, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the Learned Special Court under NDPS Act, Kalimpong, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not leave the jurisdiction of the trial court until further orders. The petitioner shall also inform his present location and address to the local police station.
5. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
6. The application for bail is, thus, allowed.
7. All parties shall act on the basis of the server copy of the order.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)