

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

27.11.2024
Item No.23
Court No.1
(GB)
(Allowed)

CRM (NDPS) 528 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Mynaguri** Police Station Case No.**285/2023** dated **18.07.2023** under Section 20(b)(ii)(c)/25/29 of NDPS Act, 1985.

And

In the matter of: **Shanti Bhusan Chakma @ Sri Shanti Bhun Chakma & Anr.**

....Petitioners.

Mr. Sudhindra Das

...for the Petitioners.

Mr. Ujjwal Luksom,
Mr. Sanjiv Das

... for the State.

1. The petitioners pray for bail. They are in custody for more than 415 days.
It is submitted that the charge-sheet was filed without the chemical examination report. The charges have not been framed and there is no chance for early conclusion of trial.
2. The learned advocate for the State submits that on earlier occasions the prayer for bail was rejected. However, the learned advocate fairly submits that the chemical examination report has not yet been received and the State is not sure when such report will be received.
3. Under such circumstances, we are of the view that prolonged detention of the petitioners would be violative of Article 21 of the Constitution of India, especially on the facts narrated hereinabove. The early conclusion of trial is not possible in this case.
4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.25,000/- each with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Judge,

Special Court, under NDPS Act, Jalpaiguri. The petitioners shall appear before the learned trial court on each and every date of hearing and shall not intimidate the witnesses or tamper with any evidence. The petitioners shall not leave the jurisdiction of the trial court. In case of failure to comply with the above directions, the learned trial Judge shall be entitled to cancel the bail without further reference to this Court.

5. The application for bail, being CRM (NDPS) 528 of 2024 is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)