

Order No. 22

Dt. 20.9.23.

Today is fixed for evidence.

Sole accused Dilip Das is produced from J.C. today.

Witness Malay Saha is present today and prosecution files his witness hazira. The witness is examined today as PW11, cross examined in full and accordingly discharged. **Let the next date be fixed for recording the evidence of Inspector Biswasroy Sarkar for whom sec. 311 petition was allowed earlier in this case. Issue summon accordingly. One bail petition is filed on behalf of the accused person today which is taken up for hearing and order.**

Ld. Advocate of the accused person moved the bail petition and submitted that this accused person is innocent and has been falsely implicated in this case. He further submitted that the investigation has concluded and so there is no need for further detention of the accused person. He also submitted that FSL report has not been collected in this case yet and that the inventory certification was done after four months. He prayed that the accused petitioner may be enlarged on bail under any terms and conditions after submitting that he would not flee but would face trial in this case.

Ld. P.P. in-charge for the State raised formal objection against the prayer for bail.

It appears from the materials in the CD that the FSL report is yet to be collected in this case and the inventory certification of the seized alamats was done after a gap of more than four months which are major lacunae in this case for which adverse presumption arises against the case of the prosecution. Investigation of this case has already ended and the accused petitioner is in detention for more than two years.

Considering the above facts and circumstances, it is apparent that the statutory restrictions on grant of bail which is given in sec. 37 NDPS Act does not lie in this case and that the accused deserves to be released on bail at this stage. Hence, accused person namely Dilip Das may be enlarged on bail on furnishing bond of Rs. 10,000/- (ten thousand) with two sureties of Rs. 5000/- (five thousand) each, subject to the satisfaction of Ld. CJM., Cooch Behar **on condition that the petitioner shall attend this court on each and every date fixed in this case and shall not try to influence/intimidate the remaining witnesses or tamper with the evidence and shall not commit offence on bail.**

To 02.01.2024 for production /appearance, if on bail and evidence.

Dictated & Corrected by,

Sd/-

Addl. Sessions Judge, 1st Court,
Cooch Behar, (NDPS).

Sd/-

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Cooch Behar, (NDPS).