

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

13.04.2022
Item no.06
Ct.1
Suvendu

CRM (NDPS) 69 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar Police Station Case No.1588 of 2021 dated 18.12.2021 under Sections 21(C)/22 (C)/ 23 (C) of The Narcotic Drugs and Psychotropic Substances, Act, 1985.

And

In the matter of:- Mahitosh Sarkar @ Kartick

... Petitioner

Mr. Sandeep Dutta

.....for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Saikat Chatterjee

.....for the State

It appears from the records that there is a discrepancy regarding the place where the seizure was made and the place from where the petitioner was arrested. The petitioner's request for CCTV Footage was also turned down. The most significant factor is that there is absence of signature of any witness on the Memo of Arrest, despite the fact that the arrest was made in a busy intersection near Siliguri.

Learned counsel appearing for the State objects to the prayer for bail.

We have been shown an order of a coordinate Bench in CRM 1002 of 2021 dated 30th September, 2021 where the petitioner was granted bail under the similar circumstances and under the same provisions of the NDPS Act, 1985. We are accordingly of the view that since the facts of both the matters are identical, the application for bail should be allowed.

The petitioner shall hence be released on bail upon furnishing a bond of Rs. 10,000/- (rupees ten thousand only) with two sureties each of like amount, one of whom must be local to the satisfaction of the learned Judge, Special Court, (under NDPS Act), 2nd Court, Jalpaiguri. The petitioner shall make himself available for questioning and examining before the concerned court and Police Station whenever required and shall leave the jurisdiction of the local Police Station only after obtaining permission. The petitioner shall also not intimidate any witnesses and tamper with any evidence in any manner whatsoever.

CRM (NDPS) 69 of 2022 is accordingly allowed and disposed of in terms of the above order.

(Kesang Doma Bhutia, J.)

(Moushumi Bhattacharya, J.)

