

SL. 02
26.05.2022
Court No. 05
S Das/AJ

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

**CRM (NDPS) 175 of 2022
(Through Video Conference)**

In Re: - An application for bail under section 439 of the Code of Criminal Procedure filed on 23.05.2022 in connection with NJP Police Station Case No. 960 of 2020 dated 08.08.2020 under Sections 20(b)(ii)(c) of the NDPS Act, 1985.

And

In the matter of: **Chandan Kumar Yadav.**

.... Petitioner.

Mr. Arnab Saha.

...for the petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

... for the State.

Learned Counsel appearing for the petitioner, by placing reliance on the judgment of the Hon'ble Supreme Court, submits that legal procedure was not complied with while nabbing the petitioner. It is further contended that the petitioner was framed and is already in custody for 21 months. It is also contended that the trial has not yet been commenced.

Learned Counsel appearing for the State submits that at the juncture when the petitioner was apprehended, the pandemic was going on, for which legal procedure could not be strictly complied with.

However, it is submitted that there was substantial compliance with justice while arresting the petitioner. That apart, the other objection taken by the petitioner to the arrest,

being that there was no independent witness available, is not fatal in the circumstances. As such, we are not inclined to grant bail to the petitioner at this juncture.

Accordingly, CRM (NDPS) 175 of 2022 is dismissed.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)