

01.11.2023
01.
Court no. 8
mb/mns

***In the High Court at Calcutta
Appellate Side***

CRM (NDPS) 1768 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Gopalnagar Police Station Case No. 134 of 2023 dated 08.03.2023 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : Sanjay Mondal

... Petitioner

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

...for the petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das

.....for the State.

1. Learned counsel for the petitioner contends that the provisions of Section 41B of the Code of Criminal Procedure have been violated at the time of seizure, thus vitiating the presumption which arises otherwise under the NDPS Act.
2. Although learned counsel for the State submits that a similar prayer of a different co-accused person has been rejected by a co-ordinate Bench, no copy of the said order could be produced at the juncture when the matter is taken up for hearing.
3. Accordingly, we are convinced that there is no occasion to attach the presumption stipulated under the NDPS

Act to the present case. Hence, we are inclined to grant bail to the petitioner.

4. Accordingly, CRM (NDPS) 1768 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat. The petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of trial and shall attend on each and every date of trial.
5. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.
6. In default of any of the riders above, the bail granted hereby shall stand automatically vacated without further reference to this Court.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)