

01.11.2023
27.
Court no. 8
Sd/br

***In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side***

CRM (NDPS) 1798 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.10.2023 in connection with English Bazar Police Station Case No. 336 of 2023 dated 07-03-2023 under Sections 21(c)/29 of the NDPS Act, 1985.

In the matter of : Nakir Seikh @ Nakir Sk. @ Nakir Shekh
....petitioner.

Mr. Kallol Mondal
Mr. M. Alam Sk.
Mr. Anamitra Banerjee

...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

.....for the State.

1. Learned counsel for the petitioner convincingly contends that the process of search and seizure has been palpably vitiated due to the fact that the signatories to the seizure list are the raiding persons themselves.
2. Although the prayer for bail is contested, we find from the materials in the case diary that the allegations made against the petitioner are corroborated by the materials on record, which vitiate the rigour of Section 37 of the NDPS Act.

3. In any event, since there are no independent witnesses as well in the seizure list or the memo of arrest, we are inclined to grant bail to the petitioner.
4. Accordingly, CRM (NDPS) 1798 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, Malda.
5. Moreover, the petitioner shall not leave the territorial jurisdiction of the Trial Court without the leave of the jurisdictional court during the entire period of trial and shall attend each and every date of trial.
6. That apart, 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 any police officer or the court and not tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)