

D/L. 37
January 31, 2023
MNS

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

CRM (NDPS) 12 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with NDPS Case No. 65 of 2022 arising out of NJP Police Station Case No. 529 of 2022 dated 21.05.2022 under Sections 21(c)/22(c)/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 subsequently Charge Sheet submitted vide Charge sheet No. 1023 of 2022 dated 15.11.2022 for alleged offence punishable under 21(c)/22(c)/28/29 of the NDPS Act, 1985.

And

In the matter of: Rahaman Seikh @ Lakfar @ Rahaman Sk and others
.... Petitioners

Mr. Sourav Ganguly,
Mr. Madhushri Dutta

... for the petitioners

Mr. Nilay chakraborty,
Mr. Aniruddha Biswas

... for the State

Learned counsel for the petitioners rightly points out several discrepancies in the process of seizure and arrest in the present case. First, the seizure list seems to be in a computer printout format, which raises a presumption of suspicion, in view of the improbability of the same having been prepared instantaneously at the relevant juncture of seizure. That apart, Column 10 of the memo of arrest has not been filled up, thereby violating Section 41B of the Code of Criminal Procedure. Thirdly, no independent witness signed on the seizure list.

Learned counsel for the State opposes the prayer of bail.

However, in view of the reasons indicated above, there are sufficient grounds to grant bail to the petitioners.

Accordingly, CRM (NDPS) 12 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), at Jalpaiguri. The sureties may be common to all the petitioners.

The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioners, further, shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

CRM (NDPS) 12 of 2023 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)