

D/L. 40
February 1, 2023
MNS

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

CRM (NDPS) 23 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. 26 of 2022 arising out of Kotwali Police Station (Cooch Behar) Case No. 247 of 2022 dated 16.03.2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Bikash Das

.... Petitioner

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Aniruddha Biswas

... for the State

Learned counsel for the petitioner contends that the mandatory provision of Section 41B of the Code of Criminal Procedure has not been complied with. That apart, the seizure list was given in computer print format, which itself creates doubt as regards the seizure. Thirdly, the date of occurrence varies in between March 16, 2021 and March 16, 2022 as per different versions.

Learned counsel for the State opposes the prayer for bail.

However, in the light of the above circumstances, we are of the opinion that the petitioner is entitled to bail transcending the bar of Section 37 of the NDPS Act.

Accordingly, CRM (NDPS) 23 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, 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 Cooch Behar

The petitioner 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 petitioner, 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.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)