

D/L. 65
February 2, 2023
MNS

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

CRM (NDPS) 41 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with NDPS Case No. 67 of 2022 arising out of Rajganj Police Station Case No. 322 of 2022 dated 25.05.2022 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Abu Bakhar Siddik @ Abubakkar Siddik

.... Petitioner

Mr. Kumar Shantanu,
Mr. Abhishek Sarkar

... for the petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das

... for the State

Heard learned counsel for the parties.

Learned counsel for the State opposes the prayer for bail.

It transpires from the arguments of learned counsel as well as the perusal of the materials on record that the provisions of Section 41B of the Code of Criminal Procedure were not complied with substantially. That apart, the petitioner is in custody for about 240 days.

Accordingly, CRM (NDPS) 41 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 Jalpaiguri.

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.)