

D/L. 78
February 2, 2023
MNS

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

CRM (NDPS) 47 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. 71 of 2022 arising out of NJP Police Station Case No. 569 of 2022 dated 30.05.2022 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Danial Ali

.... Petitioner

Ms. Matan Chakraborty

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

Heard learned counsel for the parties.

In the present case, learned counsel for the petitioner submits that an improbable case has sought to be made out against the petitioner. Although disputing such contention, learned counsel for the State places the case diary, from which it is evident that Section 41(B) of the Code of Criminal Procedure has not been complied with.

Hence, the petitioner is entitled to get bail.

Accordingly, CRM (NDPS) 47 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.)