

AD-27
Ct No.01
Jalpaiguri
07.02.2023
TN

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

CRM (NDPS) 49 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Alipurduar Police Station Case No. 364 of 2021 dated 21.09.2021 under Section 21(c) of the NDPS Act, 1985.

And

In the matter of: Amit Biswas @ Bura

.... petitioner

Mr. Arnab Saha,
Mr. Sudhindra Das

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State

Learned counsel for the petitioner submits that there are several discrepancies in the present case. Whereas the petitioner was arrested from his house in presence of his father and subsequently produced in court the next date, the arrest took place at about 2.30 a.m. in the night. That apart, it is submitted that the provisions of Section 41B have not been complied with in the present case.

Learned counsel for the State opposes the prayer for bail. However, it is fairly submitted, on query of court, by learned counsel for the State and as borne out by the records, that the provisions of Section 41B of the Code of Criminal Procedure have not been complied with properly inasmuch as the sole signatory in the category of independent witness was actually a member of the raiding party.

In such circumstances, CRM (NDPS) 49 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), Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend on each day of trial.

The petitioner 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 persons 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.)