

D/L. 60
February 7, 2023
MNS

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

CRM (NDPS) 69 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with N.D.P.S. Case No. 23 of 2022 corresponding to Kumargram Police Station Case No. 95 of 2022 dated 10.03.2022 under Sections 18(b)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Kalu Jat

.... Petitioner

Ms. Amrapali Chaki

... for the petitioner

Mr. A. S. Chakraborty,

Mr. Biswarup Roy

... for the State.

Learned counsel for the petitioner submits that the mandatory provisions of Section 41B of the Code of Criminal Procedure have not been complied with in the present case. The petitioner is in custody for about eleven months.

Learned counsel appearing for the State opposes the prayer for bail.

However, upon a perusal of the case diary, we are convinced that the provisions of Section 41B have not been complied with in the present case.

Accordingly, CRM (NDPS) 69 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 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.)