

D/L. 35
February 8, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 72 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 Bhaktinagar Police Station Case No. 1126 of 2021 dated 28.08.2021 for the alleged offence punishable under Sections 21(b)/22(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and charge-sheet submitted on 19.02.2022 vide Charge-sheet No. 154 of 2022 for the alleged offence under Section 21(c)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Achinta Saha and another

.... Petitioners

Mr. Debasish Mukhopdhyay,
Ms. Madhusri Dutta

... for the petitioners

Mr. Tapan Bhattacharjee,
Mr. Arjun Chowdhury

... for the State.

Learned counsel for the petitioners contends that the petitioners were in custody for more than one year. Apart from that, the memo of arrest is printed/typewritten, which itself casts a doubt on the offence alleged. As such, the petitioners are entitled to bail, it is contended.

Learned counsel appearing for the State opposes the prayer for bail and places reliance on Section 37 of the NDPS Act.

However, considering the circumstances and the period of detention, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 72 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish individual bonds of Rs.10,000/- each, 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 petitioners 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 petitioners 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.)