

D/L. 37
February 8, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 73 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 Alipurduar Police Station Case No. 461 of 2021 dated 26.12.2021 for the alleged offence punishable under Sections 20(b)(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Krishna Sutradhar

.... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Biswajit Das,
Mr. Sandip Guha Roy

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Biswarup Roy

... for the State.

Learned counsel for the petitioner contends that the petitioner was driving the vehicle which was seized. However, the seizure list discloses that no independent witness signed thereon. As such, there is violation of provisions of Section 41B of the Code of Criminal Procedure.

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

However, keeping in view the apparent contravention of Section 41B of the Code of Criminal Procedure, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 73 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 without the leave 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.)