

08.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 76 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Alipurduar Police Station Case No. 98 of 2022 dated 20.02.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

In the matter of : Pawan Kumar and another
... petitioners

Mr. Naser Ali
...for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas
.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioners contends that there is some discrepancy in the chronology of the serial numbers of the allegedly seized items.

Moreover, the seizure list is devoid of the signature of any independent witness, which is in contravention of Section 41B of the Code of Criminal Procedure.

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

Keeping in view the above facts and that the petitioners are already in custody for about eleven months, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 76 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish individual bond of Rs. 10,000/- (Rupees Ten Thousand) 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), Jalpaiguri. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)