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

CRM (NDPS) 83 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.01.2023 arising out of Kalchini Police Station Case No.101 of 2022 under Section 22(c) of the NDPS Act, 1985.

In the matter of : Shaibal @ Bapi Chakladar
... petitioner

Mr. Sandip Dutta,
Mr. Swarup Kumar Mondal
...for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil
.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner contends that the provisions of Section 41B of the Code of Criminal Procedure were violated.

It is also submitted that one co-accused person has already been granted bail. However, it is fairly submitted that such co-accused person may not be on the same footing as the petitioner.

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

However, keeping in view the factor that Section 41B of the Code of Criminal Procedure was not complied with properly, we are of the opinion that bail ought to be granted to the petitioner.

Accordingly, CRM (NDPS) 83 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, First Court, (under NDPS Act), Jalpaiguri. The petitioners shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once in a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)