

D/L. 66
February 9, 2023
MNS

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

CRM (NDPS) 107 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Bhaktinagar Police Station Case No. 275 of 2022 dated 12.03.2022 for the alleged offence punishable under Sections 21(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sri Ashoke Sharma @ Ashok Sharma

.... Petitioner

Mr. Ratan Banik

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Kallol Nag

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for about 330 days. That apart, one co-accused person has been enlarged on bail. Moreover, there are patent discrepancies regarding place of seizure and other ingredients in the seizure list and the forwarding letter.

Learned counsel appearing for the State opposes the prayer for bail and submits that all provisions of law regarding formalities of seizure and arrest were substantially complied with.

However, in view of sufficient *prima facie* case having been made out for grant of bail, the benefit of bail ought to be extended to the petitioner.

Accordingly, CRM (NDPS) 107 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.)