

D/L. 42
February 10, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 125 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Bhaktinagar Police Station Case No. 501 of 2022 dated 15.05.2022 under Sections 21(c)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rabi Biswakarma and others

.... Petitioners

Mr. Biswarup Roy

... for the petitioners

Mr. Abhijit Sarkar,
Mr. Arjun Chowdhury

... for the State.

Learned counsel for the petitioners contends that sample was sent for chemical examination thirty days after the seizure. The provision of Section 50 of the NDPS Act has not been complied with. That apart, the person whose signature appears as independent witness on the memo of arrest is actually a part of the raiding team.

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

However, keeping in view the mitigating circumstances as indicated above, we are inclined to grant bail to the petitioners.

Accordingly, CRM (NDPS) 125 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners furnish individual bond 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, Jalpaiguri. The sureties may be common in respect of all the petitioners.

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.)