

D/L. 43
February 10, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 126 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 arising out of Rajganj Police Station Case No. 374 of 2021 dated 18.09.2021 under Sections 18/21(c)/22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Tosif Ansari

.... Petitioner

Mr. Biswarup Roy

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Aniruddha Biswas

... for the State.

Learned counsel for the petitioner submits that the provisions of Section 41B of the Code of Criminal Procedure were not complied with in the present case, as it transpires from the materials on record.

Learned counsel appearing for the State controverts such allegation and opposes the prayer for bail.

However, in view of the ground as indicated above, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 126 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.)