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

CRM (NDPS) 135 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Matigara Police Station Case No. 467 of 2022 dated 24.04.2022 under Section 21 (c) of the NDPS Act, 1985.

In the matter of : Md. Nabib @ Zakir and another
... petitioners

Ms. Rima Sarkar,
Ms. Sidhi Sethia

...for the petitioners

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

.....for the State.

Heard learned counsel appearing for the parties.

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

Since we find that Section 41B of the Code of Criminal Procedure has not been complied with in this case, we are of the opinion that the petitioners ought to be granted bail.

Accordingly, CRM (NDPS) 135 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall individually furnish bonds 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), Siliguri. The sureties may be common for both the petitioners. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on every date. Moreover, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

CRM (NDPS) 135 of 2023 is, accordingly, disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)