

10.02.2023
13.
mb

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

CRM (NDPS) 183 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.02.2023 in connection with Pradhannagar Police Station Case No. 690 of 2021 dated 01.09.2021 under Sections 21(c)/22(c) of the NDPS Act, 1985.

In the matter of : Ashok Sharma @ Akash
... petitioner

Mr. Arnab Sengupta,
Mr. Rajesh Kumar Sharma
Mr. Janardan Periwal,
...for the petitioner

Mr. Nilay Chakraborty,
Mr. Saikat Chatterjee
.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner submits that the provisions of Section 41B of the Code of Criminal Procedure have been squarely violated in this case.

We find from the materials on record that column 10 of the Memo of Arrest, that is, the space for signature of the independent witness was left blank, presumption under Section 37 of the NDPS Act is diluted.

In view of the above circumstances, despite the State opposing the prayer for bail, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 183 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 Judge, Special Court, (under NDPS Act), Siliguri. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and attend trial on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)