

25.08.2023
Court No.1
Item No.20
(sg/KS)

CRM (NDPS) 277 of 2023

And

Mr. Swarup Das
Mr. Subhasish Misra
.....for the Petitioner

1. The petitioner has been in custody for 711 days. The memorandum of arrest reflects a blank space in column 10.
2. We find this to be in violation of Section 41B(b) of the NDPS Act as also the guidelines issued by the Supreme Court in D.K. Basu Vs. The State of West Bengal (1997) 1 SCC 416. Section 41B requires the arresting officer to follow certain protocols including the signature of a family member of the arrestee or a respectable person from the locality from where the arrest is made. We have also considered the orders passed by Co-ordinate Benches on the same issue, wherein the prayer for bail was allowed on this ground.

3. The petitioner shall accordingly be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Special Court (NDPS), 2nd Court, Siliguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
4. CRM (NDPS) 277 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)