

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

23.08.2023
Court No.1
Item No.25
(sg/KS)

CRM (NDPS) 312 of 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Maynaguri Police Station Case No.503 of 2021 dated 11.10.2021 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Chandan Kumar & Anr.

.Petitioners.

Mr. Anirban Banerjee
Md. Maklachar Rahaman

For the Petitioners.

Mr. Ujjwal Luksom
Mr. Biswarup Roy

For the State.

1. The petitioners' earlier prayer for bail was rejected on 12th April, 2022. We, however, find that there has been no progress in the trial since then. Charge-sheet was submitted on 11th February, 2022 but charges are still to be framed in the trial.

2. We also note that Column 10 of the memo of arrest contains a blank space. This fact was not placed before the Court on 12th April, 2022. A blank space in Column 10 of the memo of arrest is contrary to Section 41B of The Code of Criminal Procedure, which was inserted pursuant to the judgment of the

Hon'ble Supreme Court in D.K. Basu Vs. The State of West Bengal (1997) 1 SC 416.

3. Considering the relevant circumstances, we are inclined to allow the prayer for bail as we find that the petitioner has been able to rebut his statutory restrictions under Section 37 of the NDPS Act.
4. The petitioners shall accordingly be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) each with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Judge, Special Court (NDPS), 1st Court at Jalpaiguri. The petitioners shall not induce witnesses or influence them or tamper with the evidence. The petitioners shall also make themselves available for the trial as and when the petitioners are required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
5. CRM (NDPS) 312 of 2023 is accordingly allowed and disposed of in terms of the above.
6. Since the Court is informed that the petitioners are residents of Uttar Pradesh, the petitioners shall not leave the local area of the jurisdictional police station without leave of the Special Judge, NDPS Court, Jalpaiguri.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)