

07.06.2023
Court No.01
Item No. 33
Rejected

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

sg

CRM (NDPS) 378 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 557 of 2022 dated 13.05.2022 under Section 20(b)(ii)(c) of the NDPS Act.

And

In Re: **Bablu Md. @ Md. Bablu**

Petitioner

Mr. Saikat Chatterjee
Mr. Somraj Paul

For the Petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

For the State

Earlier the bail application of the accused, Bablu Md was rejected on 10th February, 2023. While rejecting the prayer for bail of Bablu Md, the coordinate Bench observed that the memo of arrest contains the independent witnesses' signature.

The learned counsel for the petitioner submits that in the seizure list the signature of the independent witnesses who presumably stayed 40 kms away from the place of occurrence is extremely improbable and on that ground, the bail application for Bablu Md is required to be revisited. It is further submitted that till date, copies of the documents have not been supplied and there has been non-compliance of Section 207 of the Code of Criminal Procedure.

Insofar as the first contention is concerned, the impact of the evidence of the independent witness has to be assessed in the light of the statement of the

official witness during trial. However, in the event of non-compliance of Section 207 of the Code of Criminal Procedure, we direct the learned Trial Court to ensure that the compliance is made within one week from the date of communication of this order.

Charges have not been framed.

The trial court shall fix a date preferably within four weeks from date for framing of charge and thereafter shall proceed with the matter by invoking Section 309 of the Code of Criminal Procedure.

The application for bail of the petitioner is rejected. CRM (NDPS) 378 of 2023 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)