

AD-21
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 638 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with New Jalpaiguri Police Station Case No. 484 of 2023 dated 26.05.2023 under Sections 20(b)(ii)(c)/27A/28/29 of the NDPS Act, 1985.

And

In the matter of: **RAJESH YADAV AND ANR**

Mr. Biswarup Roy,
Mr. Sisir Kr.Roy,

... for the petitioners

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury

... for the State

1. Learned counsel for the petitioners argues that the apprehension of the petitioner was vitiated by violation of Section 41B of the Cr. P.C. A member of the raiding party was a signatory, it is argued.
2. Learned counsel for the State opposes the prayer for bail.
3. However, we are satisfied, in view of the above mitigating circumstances regarding the arrest and seizure, that the petitioners are entitled to the relief of bail.

4. Accordingly, CRM (NDPS) 638 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court-cum-Additional Sessions Judge (NDPS Act), 1st Court at Jalpaiguri. The sureties may be common in respect of both the petitioners.
5. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
6. Further, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)