

D/L. 50.
September 13, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 706 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with New Jalpaiguri Police Station Case No. 501 of 2023 dated 30.05.2023 under Sections 20(b)(ii)(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Apurba Dey @ Apurba Kumar Dey

.... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Sourav Ghosh,
Mr. Dhiman Sil

... for the State.

1. Learned counsel for the petitioner argues that a co-accused has been released on same grounds as are contended by learned counsel for the petitioner in the present case.
2. Learned counsel appearing for the State opposes the prayer for bail.
3. It is seen from the materials on record that one Pradip Roy was a part of the raiding party, who signed on the seizure list as well as the memo of arrest, thereby vitiating the process of arrest and diluting the embargo under Section 37 of the NDPS Act.
4. Apart from the above circumstances, since a co-accused on similar footing has already been enlarged on bail, the same benefit ought to be extended to the petitioner as well.

5. Hence, CRM (NDPS) 706 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, 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, Jalpaiguri.
6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.
7. The petitioner 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.)