

D/L.55.
September 13, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 712 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Pradhannagar Police Station Case No. 916 of 2021 dated 14.11.2021 under Sections 21(c)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Arjun Prasad

.... Petitioner

Mr. Rajesh Kumar Sharma,
Mr. Janardan Periwai

... for the petitioner

Mr. Biswarup Roy

... for the State.

1. Learned counsel for the petitioner argues that the provisions of Section 41B of the Code of Criminal Procedure were not complied with.
2. That apart, a co-accused person has already been granted bail on similar ground.
3. Learned counsel appearing for the State strongly opposes the prayer for bail.
4. It is argued that in such cases, arrest is a post- seizure act and, as such, if the seizure is proper, the presumption under Section 37 of the NDPS Act is not vitiated.
5. Be that as it may, keeping in view the cloud cast by the petitioner on the process of seizure as well as of arrest and on the ground of parity to the petitioner, since a co-accused has been released on

bail, CRM (NDPS) 712 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, Siliguri.

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.)