

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

05.01.2023
Court No.1
Item. 13
(Suvendu)

CRM(NDPS) 423 OF 2022

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Jaigaon Police Station Case No. 16 of 2022 dated 11.01.2022 under Section 22(c) of the NDPS Act.

And

In the matter of: Srinath Sah

.Petitioner.

Mr. Biswarup Roy

For the Petitioner.

Mr. Arun Kumar Sarkar
Mr. Tapan Bhattacharjee

For the State.

Upon considering the material before us, we find that the Seizure Memo contains a blank space where the name of one/two independent witnesses should have been mentioned. There are several judgments which note this lacuna to be a serious matter having a bearing on the decision whether to release the accused on bail. *Sukesh Mondal @Budesh* [CRM 5799 of 2021] being a decision of a coordinate Bench has been placed before us.

The prayer for bail is hence allowed.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Judge, Special Court (Under NDPS Act), Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the

evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

CRM(NDPS) 423 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)