



although the place of alleged occurrence was well populated and the time of arrest was much prior to midnight.

Learned counsel for the State submits that the complaint, on the basis of which the F.I.R. was registered, clearly indicates that the raiding party went along with a portable printer and investigation kits, which itself indicates that the mere fact of the seizure list being a computer printout cannot be held to be suspect.

Moreover, it is submitted that substantially the law was complied with and, as such, the State opposes the prayer for bail.

However, upon careful consideration of the judgments cited and the well-settled legal position that the provisions of Section 41B of the Code of Criminal Procedure have to be complied with and that there cannot be any discrepancy inherent in the seizure list in order to raise a proper presumption under Section 37 of the N.D.P.S. Act, we are of the opinion that the petitioners are entitled to bail.

Accordingly, CRM (NDPS) No. 448 of 2022 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall individually furnish bonds of Rs. 10,000/- (Rupees Ten Thousand) each, 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), Cooch Behar. The sureties may be common for both the

petitioners. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial. Moreover, 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 the court or to any police officer or tamper with evidence in any manner whatsoever.

CRM (NDPS) No. 448 of 2022 is, accordingly, disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)