

09.07.2025

Item No.46

Ct.No.02

rc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (NDPS) 208 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Phansidewa Police Station Case No. 220 of 2024 dated 15.06.2024.

And

In Re : **Sujit Modak**

... Petitioner

Mr. Hillon Saha Poddar

... for the Petitioner

Mr. Abhijit Sarkar

Mr. Bhaskar Das

... For the State

Inadvertent error has crept into the order dated July 03, 2025 which is corrected as follows.

In the cause title of the order dated July 03, 2025 “CRM (A) 208 of 2025” be read as “CRM (NDPS) No. 208 of 2025”.

The department is directed to incorporate necessary correction.

Let this order be treated as part of the order dated July 03, 2025.

The petitioner seeks parity with the co-accused who has been granted bail by this Court on April 28, 2025. The bail was granted primarily on the ground that grounds of arrest were not informed to the accused at the time of his arrest, resulting in violation of Article 22(1) of the Constitution of India.

Learned counsel for the State opposes the prayer and submits that the co-accused did not appear before the learned trial Court after obtaining bail.

In disputing the same, learned counsel for the petitioner submits that it is a fact that the co-accused was unable to appear before the learned trial Court on a single date for which surety was directed to produce the accused before the Court. The accused filed a put up application before the learned trial Court and appeared therein.

It appears that grounds of arrest have not been informed to the petitioner at the time of his arrest. The petitioner being similarly placed with the co-accused on bail, he is entitled to the same benefit.

Accordingly prayer for bail is allowed.

The petitioner **Sujit Modak** be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri subject to condition that he shall not leave the jurisdiction of Phansidewa Police Station. He shall appear before the learned trial Court on

every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)