

57
04.07.2025
Ct.No.2
b.das
Allowed

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (NDPS) 260 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Baxirhat P.S. Case No. 531 of 2024 dated 26.11.2024 under Sections 21(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re : **Arun Kumar** ... Petitioner.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
Mr. B. K. Nandi ... for the Petitioner.

Mr. Ujjal Lumsom
Mr. Chattu Roy ... for the State.

The petitioner is in custody since 26th November, 2024 and prays for bail.

Learned counsel for the petitioner submits that Section 42(2) of the NDPS Act had not been complied with by the State. Also, search and seizure have not been videographed.

Learned counsel for the State opposes the prayer.

I have considered the material on record. Section 42(2) of the NDPS Act states that where an officer takes down any information in writing under sub-section (1) or records grounds for his belief under the proviso thereto, he shall within seventy two hours send a copy thereof to his immediate official superior.

In the present case, the said provision of law has admittedly not been complied with. Also, the search and seizure have not been videographed in terms of the direction of this Court in CRM (NDPS) 492 of 2022 with CRM (NDPS) 493 of 2022. The search and seizure have been made from a vehicle which attracts provision laid down under Section 42 of the Act

In view of the above, this Court is inclined to hold that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and is entitled to bail.

Accordingly, prayer for bail is allowed.

The petitioner namely **Arun Kumar** 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 Chief Judicial Magistrate, Cooch Behar subject to condition that he shall remain the jurisdiction of Baxirhat P.S. except for the purpose of appearing before the learned trial Court on every date of hearing and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated 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.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)