

C.R.M. 10643 of 2020
(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dinhata P.S. Case No. 63 of 2020 dated 17.02.2020 under section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Bijoy Rajbhar

Mr. Avik Ghatak
Mr. Soumya Nag

... ... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

... ... for the State

It is submitted on behalf of the petitioner that there are irregularities in the seizure list prepared in connection with recovery of narcotic substance. Signature of the petitioner does not appear in the first page of the seizure memo. Members of the raiding party have also not signed the seizure list.

Learned lawyer for the State opposes the prayer for bail and submits narcotic substance above commercial quantity was recovered from the petitioner.

Statements of witnesses corroborate contemporaneous seizure list relating to recovery of narcotic substance above commercial quantity from the petitioner.

Alleged irregularities in the seizure memo may be considered in the light of incriminating materials at the appropriate stage of the proceeding.

Under such circumstances and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)