

15.03.2022
Sl. 40
Court No.29
sourav
(Rejected)

C.R.M. (NDPS) 249 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25.02.2022** in connection with N.C.B. Crime No. **17/NCB/KOL/2021** dated **23.05.2021** under Section **21(C)/28/29** of the NDPS Act and Section **8(C)** of the NDPS Act

And

In the matter of: **Apurva Mandal & Anr.**

....petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Y. J. Dastoor, Ld. ASG
Mr. Amajit De

...for NCB.

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners were not produced within 24 hours of the date of arrest. Learned advocate for the petitioners relies upon *(1999)3 Supreme Court Cases 751, (Manoj Vs. State of Madhya Pradesh)*, in support of his contention.

Learned Additional Solicitor General appearing for Narcotics Control Bureau submits that the petitioners were initially detained by the BSF personnel when they were found trying to cross the international border with commercial quantity of narcotics. The Narcotics Control Bureau was informed. The seizure started immediately thereafter. The petitioners were arrested on May 23, 2021 and was produced before the Court on May 24, 2021.

Manoj (Supra) recognizes the legal obligation of the police officer concerned to forward the accused to the nearest judicial magistrate within 24 hours of arrest. In the facts of the present case, there was no such omission on the part of the officer

arresting the petitioners.

Considering the fact that commercial quantity of narcotics was seized from the possession of the petitioners, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. (NDPS) 249 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

