

CRM (NDPS) 526 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **19.5.2022** in connection with **Matia** Police Station Case No. **4** of **2021** dated **05.01.2021** under Sections **22C/29** of the NDPS Act.

And

In the matter of: **Abdul Gaffar Mondal**

....petitioner.

Mr. Dhananjay Banerjee
Ms. Oindrila Ghosh

...for the petitioner.

Mr. Swapan Banerjee
Mr. Suman De

... for the State.

Learned counsel for the petitioner contends that although the seizure list indicates that pink-coloured contraband tablets were recovered, the subsequent chemical report indicates that orange-coloured pills were recovered from the petitioner. It is submitted that in view of such discrepancy and since the petitioner is already behind bars for a period of 506 days, the benefit of bail ought to be granted to the petitioner.

However, there is reasonable scope of assumption that the majority of the population is colour-blind insofar as distinguishing the subtlety between the orange and pink shades is concerned.

Hence, merely by virtue of the alleged minor inconsistency in describing the colour of the seized articles, we do not find any mitigating circumstance to alleviate the petitioner of the rigour of Section 37(1) of the NDPS Act.

Accordingly, CRM (NDPS) 526 of 2022 is rejected.

It is expected that the trial shall be expedited as much as possible.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)