

(Through Video Conference)

CRM 4956 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 22.07.2021 in connection with Baduria Police Station Case No. 420 of 2019 dated 12.09.2019 under Sections 21(c) of the NDPS Act.

-And-

In the matter of : **Gauranga Adhikary**

... ...Petitioner

Mr. Soumitra Deb, Advocate
Mr. Sougata Banerjee, Advocate

... ... For the Petitioner

Mr. Sanjay Bardhan, Advocate
Mr. Palash Chandra Majhi, Advocate

... ... For the State

The application for bail is taken up for consideration subsequent to the order dated December 20, 2021. A report was called for by an order dated December 6, 2021 noting the claim of the petitioner that he suffered bullet injury while in custody and that he is in a precarious condition.

The report submitted in Court pursuant to such order does not establish that there was a bullet injury on the body of the petitioner.

On a query from the Court to the learned Advocate appearing for the petitioner as to how the Coordinate Bench was invited to observe that the petitioner suffered bullet injury while in custody, he draws attention of the Court to page 20 of the application which is a discharge certificate. He draws the attention of the Court to the anathesia details. He submits that the bullet injuries are noted therein.

The document which the petitioner refers to is the discharge certificate. In the column under anathesia details, apparently there is an endorsement that there was a gun shot injury suffered by the petitioner six months back. The discharge certificate is dated January 2, 2021. The discharge certificate does not conclusively establish that the bullet

injury was in custody. The report called for by the court does not allude to injury of the petitioner, far less a bullet injury while in custody.

The petitioner is in custody after being arrested with a possession of commercial quantity of narcotics.

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

Consequently, CRM 4956 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)