

29.06.2022
tkm/ct 28
sl no. 17

C.R.M. (NDPS) 693 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda PS case no. 556 of 2021 dated 12.11.2021 under section 21(c)/29 of the NDPS Act read with sections 18(b)/27 of the Drugs and Cosmetics Act

And

In Re : Shyam Saha @ Sam Saha @ Syamal Saha

..... petitioner

Mr. Sekhar Basu, Sr. Adv.

Ms. Busra Khatun

..... for the petitioner

Mr. S Bardhan

Mr. P C Majhi

..... for the State

Investigating Officer is present in court with case diary.

Personal appearance of Investigating Officer is noted and dispensed with.

Learned senior advocate for the petitioner submits no narcotic substance was recovered from his possession. Subsequent recovery allegedly made from the godown of the petitioner is not supported by independent witness. There is overwriting in the seizure list also.

Learned lawyer for the State opposes the prayer for bail and submits petitioner was arrested around midnight of 15/16th November 2021. Thereafter, from his godown narcotic substance was recovered.

We have considered the materials on record including the arrest memo and the seizure list. Arrest of the petitioner was made from his residence of 15.11.2021 at 23.55 hrs. Thereafter, recovery was made from the godown of the petitioner on 16.11.2021 between 1.55 hrs to 2.45 hrs.

In view of the aforesaid materials on record and statutory restrictions under section 37 of the NDPS Act we are not inclined to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)