

13.07.2022
cm/ct 28

C.R.M. (NDPS) No. 769 of 2022

sl. no. 4

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Baishnabnagar P.S Case No. 155 of 2022** dated **18.02.2022** under Section **27 (a)** of the Drugs and Cosmetics Act, 1940 and read with Section 21 (c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Rejected

And

In Re : Kinkar Sarkar @ Maju

..... petitioner

Ms. Minoti Gomes
Mr. Mounick Ghosh

..... for the petitioner

Mr. Suman De

..... for the State

Learned lawyer for the petitioner submits statutory requirements under Section 42(2) of the NDPS Act have not been complied with during seizure. It is also submitted that the seizure was made by an officer who is not authorized in law.

Learned lawyer for the State opposes the prayer for bail. He submits 220 bottles of phensedyl syrup was recovered from the co-accused. On the leading statement of the petitioner 53 bottles of phensedyl syrup was recovered from his house.

We have considered the materials on record. Apart from seizure from the possession of co-accuseds, on the leading statement of the petitioner 53 bottles of phensedyl syrup was recovered from his house. Alleged irregularities, if any, in course of seizure may be thrashed out during trial.

In view of the aforesaid incriminating materials 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.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)