

07.09.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1015 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.09.2022 in connection with Kaliachak Police Station Case No. 1429 of 2021 dated 24.12.2021 under Sections 21(c)/22(c)/27A/29 of the NDPS Act.

And

In Re: ***Sahar Banu Bibi***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that search and seizure was conducted by an officer who is not authorised to investigate the crime.

Learned advocate appearing for the State opposes the prayer for bail and submits SI Wangden Tamang attached to Kaliachak Police Station was the leader of the team who conducted the raid, search and seizure. Narcotic substance i.e. 230 gms. of *Yaba* tablets and 280 gms. of *brown sugar*, which are above commercial quantity were recovered from the possession of the petitioner.

We have considered the materials on record. Perusal of the FIR shows SI Wangden Tamang attached to Kaliachak Police Station was the leader of the team who raided and recovered narcotic substance. Hence, recovery cannot be said to be *per se* illegal. Statements of witnesses and other materials show recovery of narcotic substance i.e. 230 gms. of *Yaba* tablets and 280 gms. of *brown sugar*, which are above commercial quantity from the possession of the petitioner. Under such circumstances and in view of the statutory

restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)