

28.09.2022.
17. SL
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1121 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi P.S. Case No.38 of 2022 dated 02.02.2022 under Sections 21(c)/29 of the NDPS Act and Section 25(1)(a) of the Arms Act.

In the matter of : Kuddus Mondal.

... Petitioner.

Mr. P. Mukherjee.

...for the Petitioner.

Mr. T. D. Nandy,

Mr. A. Basu.

...for the State.

Petitioner is in custody for 210 days. It is submitted there is discrepancy with regard to the GD Entry number noted in the FIR in reference to which search was conducted. Though, no signature of any independent witness appears in the seizure list, two independent witnesses have been cited in the charge sheet. He prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and seizure memo show recovery of narcotic substance above commercial quantity i.e. 75 bottles of phensedyl syrup containing codeine phosphate from the possession of the petitioner. Petitioner has criminal antecedents. Discrepancy with regard to the GD Entry in the seizure list or absence of signature of independent witnesses therein are matters which require to be thrashed out during trial.

However, in view of the statements of witnesses and other contemporaneous documents 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)