

05.09.2022

Item No.6

Ct.No.01

F.B/gsd

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M (NDPS) No. 247 of 2022

In Re: An application for bail under Section 439 Cr.P.C in connection with C.R. (NDPS) Case No. 189 of 2021 under Sections 18, 21(c), 22(c), 23(c), 27(A), 28, 29 of the NDPS Act, 1985 arising out of the Khoribari P.S. Case No. 402 of 2021 dated 12.12.2021 under Sections 18, 21(c), 22(c), 23(c), 27(A), 28, 29 of the NDPS Act, 1985.

In the matter of : **Pintu & anr.**

... Petitioners.

Ms. Rima Sarkar

Ms. Sidhi Sethia

... For the Petitioners.

Mr. Nilay Chakraborty

Mr. Sourav Ganguly

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

This is an application for bail in connection with C.R. (NDPS) Case No. 189 of 2021, Khoribari P.S. Case No. 402 of 2021, District Darjeeling.

Ms. Sarkar, Learned Counsel, appears for the petitioners.

Learned Counsel for the petitioners submits with sufficient emphasis that the petitioners have been framed in this case.

It is submitted that Seizure List does not bear the signature of a local witness.

It is also submitted that the entire seizure have been orchestrated by the police on the pretext of a source of information.

Per contra, Mr. Chakraborty, Learned Government Advocate, submits that the seizure was made on the basis of a specific source of information in which the two petitioners were found on the spot. The seizure pertains to commercial quantity of the contraband drugs. The Seizure List has been signed by the independent witnesses.

Having considered the rival submissions and considering the materials placed, this Court is of the view that the facts of this case do not persuade us to grant the privilege of bail to the petitioners.

The prayer for bail of the petitioners is **Rejected**.

Accordingly, **CRM (NDPS) 247 of 2022** is **disposed of**.

All parties are to act on a server copy of this order from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)