

11.04.2023
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 660 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.03.2023 in connection with Duttapukur Police Station Case No.786 of 2022 dated 14.08.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.115 of 2022)

And

In Re: ***Tushar Kanti Mazumder @ Bishu***

... .. Petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Dibakar Sardar
Ms. Trisha Rakshit
Mr. Rajashree Tah

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he was initially arrested in Duttapukur Police Station Case No.627 of 2022. Subsequently he has been falsely implicated in the instant case alleging recovery of narcotics from his residence. It is contended petitioner did not have control and custody of the residence after his arrest. Key of the house purportedly recovered in his possession has not been seized. No inmate of the house signed on the seizure list. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner has criminal antecedents. He was initially arrested in a murder case. Pursuant to his leading statement, narcotics above commercial quantity was recovered from his residence. Independent witnesses signed on the seizure list.

We have considered the materials on record. Records of investigation in the murder case show a detailed disclosure statement of the petitioner. This led to recovery of narcotics above commercial

quantity from his residence. Recovery has been witnessed by independent persons. Possibility of inmates of the house not cooperating with the police officers during the recovery cannot be ruled out. Key of the house was also in possession of the petitioner. Failure to reflect the seizure of the key in the seizure memorandum is a minor defect and may be explained in course of trial. Under such circumstances, we are of the opinion there are materials implicating the petitioner in the offence of possession of narcotics above commercial quantity.

In view of the aforesaid facts and 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.)