

C.R.M. (NDPS) No. 1785 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bizpur** P.S. Case No. **42 of 2022** dated **25/01/2022** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: - Suman Biswas

....petitioner.

Mr. Debasis Kar

...for the petitioner.

Ms. Faria Hossain

Ms. Mamata Jana

...for the State.

1. The petitioner contends that the provision of Section 50 of the NDPS Act has been violated insofar as no option has been given to the petitioner to be searched in presence of a Magistrate or a Gazetted Officer. That apart, information was not sent within the stipulated period under Section 42 of the said Act.
2. The learned counsel for the State submits that the prayer of a co-accused for bail was refused only recently. That apart, the arguments made by the petitioner are the subject matter of trial.
3. It transpires from the case diary that a purported notice was given to the petitioner, where it is indicated that the petitioner had opted earlier that he would take time to get searched in presence of a Gazetted Officer. The veracity of such finding, however, is the subject matter of trial and cannot be decided finally here.
4. Hence, we do not find anything gross to indicate that there was contravention of any fundamental provision of the NDPS

Act to justify displacement of the rigour cast under Section 37 of the said Act.

5. Accordingly, CRM (NDPS) No. 1785 of 2023 is dismissed.
6. It is expected that the trial shall be expedited and shall preferably be completed within one year from date.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)