

D/L. 05.
November 08, 2023
rp/gc

CRM (NDPS) 1803 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No. 88 of 2022 dated 11.03.2022 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Salea Bibi & Anr.

.... Petitioners

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... for the Petitioners.

Mr. Swapan Banerjee,
Mr. Ashok Das

... for the State.

1. The accused was intercepted with codeine phosphate mixture of about 7 kg. The petitioners say that there is a violation of the provisions of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "NDPS Act") inasmuch as the seizure took place in the absence of a Gazetted Officer. The requirement of seizure in the presence of a Gazetted Officer is not a mandatory requirement in view of the provisions of Section 50(5) of the NDPS Act.
2. Considering the materials on record and the quantity seized, we are not inclined to enlarge the petitioners on bail.
3. The application being CRM (NDPS) 1803 of 2023 is, accordingly, rejected.
4. Since the trial has already started, let the trial be concluded as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Arindam Mukherjee, J.)

(Biswaroop Chowdhury, J.)