

**IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri**

27.02.2023  
46.  
as  
(Rejected)

**C.R.M. (NDPS) 177 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 130 of 2022 arising out of NJP P.S. Case No.1224 of 2022 dated 17.11.2022 under Sections 21(c) & 22(c) of the NDPS Act.

In the matter of : Sri Mithun Sarkar.

... Petitioner.

Mr. Ratan Banik,  
Mr. Saptarshi Banik.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,  
Mr. Biswarup Roy.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous documents i.e. seizure memorandum show recovery 264 grams of heroin from the petitioner. It is contended a local weighing machine was used and drug detection kit was not utilized.

Statements of witnesses and other materials show recovery of 264 grams of heroin. Weighing of the contraband by a local weighing machine does not render the recovery illegal. Sample has been sent for test by expert in the laboratory. Hence, non-utilisation of drug detention kit shall not adversely affect the prosecution.

In view of the aforesaid circumstances and as investigation is continuing, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

**(Subhendu Samanta, J.)**

**(Joymalya Bagchi, J.)**