

13.07.2023
Item no.21
Court No.1.
AB
(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) No.484 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NJP Police Station Case No.204 of 2023 Dated 6.3.23 under Section 20(b)(ii)(C)/23C of the NDPS Act

And

In the matter of : Raju Das @ Pullak @ Pulak & Ors.

.....Petitioners.

Mr. Jagriti Mishra,
Mr. Naser Ali,
Mr. Subham Gupta,
Mr. Debayan Goswami,
Mr. Reshab Kumarfor the Petitioners.

Mr. A. S. Chakraborty, Id. APP,
Mr. Kallol Acharjee,
Mr. Kallol Nagfor the State.

Commercial quantity of contraband items was recovered from the possession of the petitioners.

The petitioners say that there are serious discrepancies and inconsistencies in the written complaint. One of such discrepancies is regarding the date of occurrence. Another one is regarding nature of contraband, which at one place is mentioned as ganja and at another place it is mentioned as brown sugar. Similarly, in one paragraph the number of accused persons is stated to be 5 and in another paragraph, the same is stated to

be 4. At one place the accused persons, who are all males, have been referred to as ladies.

Relying on the aforesaid discrepancies, the petitioners pray for bail.

We have considered the material in the case diary and the rival submissions of the parties. We have, in particular, perused the seizure list. The same says that recovery was from these five persons.

No doubt, there are discrepancies in the written complaint, but, in our view, they are not of such a nature as will entitle the petitioners to bail in spite of the restrictions in Section 37 of the NDPS Act.

It is obvious that the discrepancies have crept into the written complaint by reason of carelessness on the part of the concerned police officer. Without admonishing anyone, we only put on record that the law enforcing officers must act with more care and sincerity as otherwise the justice delivery system may suffer adversely.

We are not inclined to grant bail to the petitioners.

The prayer for bail is rejected.

CRM (NDPS) No.484 of 2023 is dismissed.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

