

31.7.2024
Ct. No. 6
SL No. 28
S. De /
Tanmoy

C.R.M. (NDPS) 1167 of 2024

In the matter of : Md. Ezaz Afzal & Anr.

Mr. Francis Samson Correa

Mr. Sunny Nandy

Ms. Riya Das

Mr. Tamal Singha Roy

Ms. Sneha Singh

Mr. Rajat Singh ...for the petitioner

Mr. Saibal Bapuli, APP

Ms. Mamata Jana ...for the State

1. Learned advocate for the petitioners states recovery of alleged narcotic substance from the truck is doubtful. In spite of repeated requests, CCTV footage of the place of recovery has not been produced. Even electronic records relied upon in the charge-sheet have not been supplied. Accordingly, petitioners pray for bail.
2. Learned Additional Public Prosecutor opposes the bail prayer. He contends 1920 bottles of Phensedyl syrup were recovered from a truck. The recovery was videographed. Petitioners are the occupants of the truck.
3. We have considered the materials on record. Seizure report and statements of witnesses show recovery of 1920 bottles of Phensedyl from a truck. Petitioners were apprehended at the spot. A video recording of the recovery had been made.
4. Under such circumstances and in view of statutory restriction in Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. The application for bail is, thus rejected.
6. We direct the prosecution to supply copy of all electronic records including the videography to the accused before commencement of trial.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)