

22.04.2024
SL No.25
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 116 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with C.R. (NDPS) Case No.74 of 2023 under Section 21(c), 22(c), 27A and 29 of the NDPS Act arising out of the Pradhan Nagar P.S. Case No.734 of 2023 dated 16.09.2023 under Section 21(c), 22(c), 27A and 29 of the NDPS Act, 1985.

And

In the matter of : **Tajibur Rahaman**

- Petitioner.

Ms. Sidhi Sethia,
Ms. Rima Sarkar,
Ms. Suparna Paul

....For the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Kallol Acharjee,
Ms. Sukanya Adhikary

...For the State.

1. Heard learned Advocates for the parties.
2. At the time of hearing, the learned Advocate for the petitioner draws our attention to the FIR as lodged in this case. Attention of ours is also drawn to Rule 10 and Rule 12 of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022. Drawing further attention of ours to page no.11 being the copy of the certification of correctness of inventory etc., it is submitted that at the time of inventory the provision of Rule 10 has been violated for which the genuineness of the written complaint as lodged in this case may be

questioned and thus a favourable order of bail may be passed in favour of the present petitioner.

3. While opposing the prayer for bail, learned Advocate for the State submits before this Court that commercial quantity of contraband articles were seized from the conscious possession of the present petitioner.
4. On perusal of the entire materials as placed before this Court, it does not transpire to this Court that any contravention took place in respect of doing the job of certification of correctness of inventory.
5. However, our view in this regard is prima facie and limited for the disposal of the instant bail application.
6. In view of the facts and circumstances as discussed, we are convinced that the present accused petitioner is not at all successful in overcoming the statutory restrictions under Section 37 of the NDPS Act and, accordingly, the prayer for bail is rejected.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)