

JPD-04
Ct No.01
25.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 277 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhannagar Police Station Case No. 895 of 2023 dated 02.11.2023 under Sections 21(c)/22(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of: **Dulal Chowdhury and another**

.... petitioners

Mr. Hillol Saha Podder

... for the petitioner

Mr. Abhijit Sarkar

Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioners contends that the petitioners were apprehended on the allegation that they were in a vehicle from which the contraband was seized.
2. It is submitted that neither any driver's licence was seized, nor was the name of the owner of the vehicle ascertained.
3. It is also submitted that the arrest and seizure was done in presence of a police officer.
4. Learned counsel for the State opposes the prayer for bail and hands up a notification dated June 26, 2024 indicating that the concerned ACP in whose presence the seizure was effected was designated as a Special Executive Magistrate.
5. As such, we do not find any substance in the contention of the petitioners that the seizure was vitiated in any manner.

6. That apart, non-seizure of driver's licence or non-ascertainment of the name of the owner of the vehicle are entirely irrelevant, since the recovery was made from the vehicle in which the petitioners were travelling.
7. Accordingly, we do not find any justification in granting bail at this stage, particularly in view of the bar under Section 37 of the NDPS Act.
8. Hence, CRM (NDPS) 277 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)