

JPD-66
Ct No.01
01.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 378 of 2024

In Re: - An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Birpara** Police Station Case No. **61** of **2024** dated **06.04.2024** under Sections **21(C)/29** of the **NDPS Act, 1985**.

And

In the matter of: **Mubarak Seikh @ Pampu**

.... petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioner submits that the petitioner is a fifty per cent disabled person and relies on the certificate of disability annexed to the petition which indicates that the petitioner has locomotive disorder, which prevents the petitioner from travelling without assistance of an escort.
2. Moreover, it is submitted that in respect of the petitioner, only a general diary entry has been lodged but it is not clear as to whether the provisions of Section 42 of the NDPS Act have been complied with.
3. Learned counsel for the State opposes the prayer for bail and hands over the seizure list which indicates that commercial

quantity of contraband articles were recovered from the exclusive possession of the petitioner. Moreover, it is contended that this is a premature stage, since the arrest and seizure took effect only last April.

4. Considering the circumstances, we are unable to grant bail to the petitioner at this stage by overriding the bar under Section 37 of the NDPS Act.
5. However, it is made clear that in the event the petitioner needs any medical or other assistance due to his disability while in custody, the petitioner shall approach the appropriate authorities for such assistance which, if so approached, the same shall be duly provided to the petitioner by the concerned authorities on the strength of this order.
6. In the light of the above observations, CRM (NDPS) 378 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)