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C.R.M. (NDPS) 242 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with case no. N-49 of 2024 arising out of Bagdah Police Station case no. 470 of 2024 dated 23.5.2024 under Sections 21(C) the NDPS Act, 1985.

And

In the matter of : **Manjil Mandal**

.... Petitioner

Mr. Antarikhya Basu
Ms. Salma Sultana

...for the Petitioner

Mr. Joydeep Roy
Mr. Arup Sarkar

...for the State

It is submitted on behalf of the petitioner that he is in custody since 23rd May, 2024 and 150 bottles of Phensedyl cough syrup containing codeine phosphate was recovered from the possession of the petitioner.

Mr. Basu, learned counsel for the petitioner strenuously argued that in terms of the FIR, two potlas were recovered from the possession of the petitioner but the seizure list reflects that only one potla was seized and as such, there is an anomaly in the alleged seizure. He further submits that though it is alleged that video recording of the entire search and seizure was done through the mobile phone but the seizure list shows that only one Pen drive was allegedly seized during investigation. Accordingly the law laid down by this court in **Kalu Sk.** Case (decided on 22.6.2022) has not been followed in the present case and the petitioner is entitled to be

released on bail for non-compliance of sub-section (4) of Section 52A of the NDPS Act.

Learned counsel for the State opposed the prayer for bail contending that from the two potlas, total 150 bottles of Phensedyl was recovered from the conscious possession of the petitioner and as such, there is no anomaly in the statement made in the FIR. He further submits that the Pen drive containing the video recording of the entire proceeding, was seized. However, he submits, whether the video recording was done in compliance with the law or not and whether there was any non-compliance of sub-section (4) of Section 52A of the NDPS Act or not will be determined during trial and cannot be the subject matter of the present application for bail.

I have considered the submissions made by both the parties. On perusal of the materials available so far in the case record and the case diary, I find that rigour of Section 37 of the NDPS Act clearly attracts in the present case against the present petitioner and as such, the prayer for bail is rejected.

Accordingly, CRM (NDPS) 242 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)