

akb
Sl. 20
Ct.29
Rejected

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with T.R. N o. 20
of 2024 arising out of Sankrail Police Station Case No. 742 of 2024
dated 27.09.2024 under Sections 21(c)/29 of the NDPS Act, 1985.

In re: Pawan Jaiswal ... petitioner.

Mr. Suman De
Mr. Subham Bhakat ...for the State

One of the co accused namely Debabrata Das filed application for anticipatory bail being CRM (A) /4179/2024 which was allowed observing that the seized drugs are part of legal consignment and the petitioner therein had valid license. His another partner Shankar Sarkar has also been granted anticipatory bail vide CRM

(A)/4162/2024 on the ground of similar footing. Mr. Mukherjee submits that the present petitioner is on better footing, as aforesaid Debabrata Das has prayed for return of the seized substance, which though not allowed but fact remains that his prayer for return shows that petitioner cannot be held liable for possessing of those purported seized articles, which has been held legal and someone else is claiming ownership.

Mr. Mukherjee strenuously argued that the petitioner has been falsely implicated and the statutory norms procedure and formalities regarding search and seizure and all subsequent matters under the Act, have not been adhere to in their entirety by the investigating agency. He further submits that since charge sheet has already been submitted, further custodial detention is not required and as the petitioner is a permanent resident of the locality , there is no chance of his absconsion and as such, he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State raised objection contending that the entire search and seizure has been video graphed and that commercial quantity of narcotics substance has been recovered and that investigation has just been culminated into a charge sheet and that the trial is going to be commenced shortly .

I have considered the submissions made on behalf of both the parties. On perusal of the seizure list it appears that the commercial quantity cough syrup containing codeine phosphate is shown to have recovered as per seizure list. The petitioner failed to produce any valid document in support of possessing the said Narcotic substances. After completion of investigation police has also submitted charge-

sheet verifying the substances.

It is settled law that any procedural irregularity or illegality found to have committed in conducting the search and seizure during the course of investigation or thereafter would by itself not make the entire evidence collected during the course of investigation inadmissible. The court would have to consider all these circumstances and find out whether any serious prejudice has been caused to the accused. Since the commercial quantity of contraband substances are involved in the present case, the rigor of section 37 of the NDPS Act attracts and as such I find that this is not a fit case where the bail can be granted to the accused at this stage.

The application, being CRM (NDPS) 428 of 2025 is dismissed. It also appears that the charge sheet has already been submitted and as such the trial court is requested to expedite the trial without granting any unnecessary adjournment to either of the parties and to complete the same as soon as practicable preferably within a year from the next date of hearing, keeping it in mind that the right to speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India

(Dr. Ajoy Kumar Mukherjee, J.)