

IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

28.04.2025
(ct. no.03)
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BR

CRM (NDPS) 130 of 2025

In Re : An application for bail under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Md. Akruj Zaman

.... Petitioner.

Mr. Prajnadeepta Roy,
Mr. Naser Ali,
Mr. Jaimallya Bhattacharya,
Ms. Taniya Bhowmik
... For the Petitioner

Mr. Kallol Acharjee,
Mr. Kallol Nag+

... for the State.

1. The prayer for bail in this case arises out of an order dated 20.03.2025 passed by the learned Additional District and Sessions Judge, 2nd Court (NDPS Court), District-Darjeeling in C.R. NDPS Case No. 76 of 2024 arising out of Matigari P.S. Case No. 642 of 2024 dated 26.10.2024 under Sections 21 (C)/22(C) of the Narcotic Drugs and Psychotropic Substances Act, thereby rejecting the prayer for bail of the petitioner herein.
2. Charge sheet in the present case has been submitted with FSL report within the statutory period. **Brown sugar amounting to 514 kgs.** has been seized from the possession of the present accused person.

3. It is the further case of the petitioner that the seizure in this case is not proper as the same has not been made in presence of an Executive Magistrate.
4. The State has placed the case diary from wherein it appears from the seizure list that the seizure has been duly made in presence of the Inspector-in-Charge of Matigara P.S. who is a gazetted officer and the seizure is prima facie in accordance with law.
5. The irregularities relied upon in respect of the seizure in the present case is the subject matter of trial and as such is to be considered by the trial Court.
6. Considering that charge sheet in the present case has already been filed along with FSL report and the nature of offence alleged in the present case, prayer for bail at this stage stands rejected at this stage.
7. Learned trial Court is directed to proceed expeditiously with the trial.
- 8. CRM (NDPS) 130 of 2025 stands disposed of.**
9. All connected application stand disposed of.
10. Interim order, if any, stands vacated.
11. Copy of this order be sent to the learned Trial Court for necessary compliance.
12. Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)