

CIS No. NDPS 01/2022

In the Court of the Judge (Special Court) under NDPS Act, Siliguri

CR (NDPS) Case No. 01 of 2022

Order no. 09, Dated 25/04/2022

Accused Shiv Shankar Majumdar and Mangaldeep Mahanto are produced from the J.C.

A bail petition is filed and moved on behalf of the accused Shiv Shankar Majumdar and Mangaldeep Mahanto. Copy served.

The Ld. Advocate submits that the accused persons have been falsely implicated in this case. He further submits that nothing was seized from the accused persons. He further submits that the accused Mangaldeep Mahanto has been discharged from De-Addiction and Rehabilitation Centre and as per observation of the Hon'ble Supreme Court a patient can keep 1,000 of doses at a time and prays for bail.

Ld. Special PP-in-charge raises objection, stating that the defence cannot take two contradictory grounds at the same time meaning one denying the possession of the contraband and the other that the accused can possess 1,000 doses at a time.

Heard both sides.

Perused the bail petition and the case record.

No prescription is produced on behalf of the defence side claiming the seized drugs prescribed by a doctor.

It appears that prima facie commercial quantity of contraband, prohibited under NDPS Act, or in contravention of NDPS Act, has been seized from the accused persons and the investigation is in progress. Granting of bail with regard to commercial quantity is barred under section 37 of the NDPS Act. Considering this, gravity of the offence alleged, entire facts and circumstances of this case and nature and quantity of contraband seized, the bail petition stands rejected.

The case is adjourned.

To 07.05.2022 for production & IO's report.

D/c by me

Sd/-

Judge, Special Court  
NDPS Act, Siliguri

Sd/-

Judge, Special Court  
NDPS Act, Siliguri  
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