

JOCODE WB00683
C.R.(NDPS) Case No. 97 of 2023(CIS NO. 97 OF 2023)

Order No. 04, dated 05-01-2024

Accused **Shambhu Bhandari** is produced from the correctional home and placed on dock.

One bail petition is filed by the Ld. Lawyer on behalf of the accused **Shambhu Bhandari**.

Ld. Lawyer for the accused person as well as Ld. P.P. in charge are present on call.

C.D. in this case is not produced in spite of direction.

This bail petition is taken up for hearing.

The Ld. Advocate submits that the accused person has been falsely implicated in this case and prays for bail.

Ld. PP-in-charge raises objection.

Heard both sides.

Perused the bail petition and the case record.

The seizure list in this case alleges seizure of 40 bottles of cough syrup containing codeine phosphate, but does not disclose the actual quantity of the contraband allegedly seized from the accused. A seizure list in an NDPS case is a very important document on which the prosecution bases its case. Search and seizure are soul and heart of an NDPS case and have to be carried out cautiously following all relevant provisions of law. Apart from this, column No. 1E of the memo of arrest has been left blank. An arresting authority does not have free hand to do whatever it likes, but has to carry out search and seizure and also arrest strictly under the provision of NDPS Act, Cr.P.C. etc.

In view of the afore, and entire facts and circumstances of this case, bail prayer is allowed, but subject to conditions.

Accordingly, accused person namely **Shambhu Bhandari** be released on furnishing cash security of **Rs. 25,000/- (Rupees Twenty Five Thousand)** with a condition to appear before the I.O. on every Monday and Thursday between dawn to dusk and further he will not leave the jurisdiction of Siliguri Sub-Division till the completion of investigation, or until further order, which ever is earlier and that the accused has liberty to leave the jurisdiction of Siliguri Sub-Division after seeking permission from this Court i.d. to remain in J.C.

Send a copy of this order to the Ld. ACJM, Siliguri for information.

The case is adjourned.

Fix **19.01.2024** for production / appearance, if on bail and I.O.'s report.

D/c by me

Sd/-
Judge, Special Court
NDPS Act, Siliguri

Sd/-
Judge, Special Court
NDPS Act, Siliguri