

JO Code No. WB00885
T. R. Case No. 01 of 2023

Order No. 03 dated 16.01.2023

The record is put up by petition filed on behalf of accused Sk. Rajesh, who prays for bail on the ground stated therein.

An adjournment application is filed by accused Sk. Rajesh for hearing of bail petition.

Perused the same as well as other materials on record.

Heard both sides.

The prayer for adjournment application is allowed.

Subsequently, a petition filed by Santosh Kumar Singh, Intelligence Officer, NCB, Kolkata Zonal Unit on 16.01.2023 for certification of correctness of inventory under Sec. 52A(2) of the N.D.P.S. Act, 1985 (as amended). The record is taken up for passing order.

Perused the petition along with the materials on record. Considered.

In the case of Union of India (UOI) Vs. Mohanlal and Another (Criminal Appeal No. 652 of 2012) of the Hon'ble Apex Court has been pleased to consider the Standing Order No. 1/89 and to direct collection of information from the police heads of each State on the aspects of seizure, disposal, etc. of Narcotic Drugs and Psychotropic Substances. All narcotic drugs and psychotropic substances have been identified by the Central Government under sub-section (2) of Sec. 52 A of the Act as vulnerable to theft and substitution vide their G.S.R. 339(E) dated 10th May, 2007, published in the Gazette of India, Extra, Pt. II, Sec. 3(i) dated 11th May, 2007, vide G.S.R 38(E), dated 16th January, 2015, published in the Gazette of India. Extraordinary, Part-II, Section-3, Sub-section-(i), dated 16th January, 2015.

In view of the provisions of Sec. 60 of the N.D.P.S. Act the seized Narcotic Drug is liable for confiscation. Thus, certification of correctness of inventory, photographs, taking of photographs of the drugs and substances and drawing of representative sample in presence of the Id. Magistrate is necessary. So, the application under Sec. 52A(2) of the N.D.P.S. Act should be allowed. Hence the application under Sec. 52A(2) of the N.D.P.S. Act filed by Santosh Kumar Singh, Intelligence Officer, NCB, Kolkata Zonal Unit on 16.01.2023 is hereby allowed. Accordingly I request Id. Judicial Magistrate, 2nd Court Howrah to:-

a) Certify the correctness of the inventory.

b) Permit taking, in his presence, photographs of the drugs and substances mentioned in the inventory and certify such photographs are true; and

c) Allow drawing of representative samples in his presence and to certify the correctness of the list of samples so drawn.

Santosh Kumar Singh, Intelligence Officer, NCB, Kolkata Zonal Unit will produce the seized contraband articles, i.e. 88 kgs ganja along with a copy of the inventory of the seized article, prepared by him on the date to be fixed and at the venue to be fixed by the said Ld. Judicial Magistrate First Class.

Let a copy of this order be sent to 1) Ld. Judicial Magistrate, 2nd Court Howrah for performing the above function and to 2) Santosh Kumar Singh, Intelligence Officer, NCB, Kolkata Zonal Unit for his information and taking necessary action.

To date.

Fix 17.01.2023 for hearing of bail petition.

Dict & corrected by me

Judge, Spl Court under NDPS Act,
Howrah.

Judge, Spl Court under NDPS Act,
Howrah