

15.7.2024

Two accd persons namely Anup Samanta and Bimal Mondal are produced from P.C along with necessary medical documents.

No report in final form has yet been submitted.

C.D is produced.

Bail moved on behalf of both the accd persons.

Hd. Both sides.

Perused.

It is submitted by Ld. Defence counsel representing accd Anup Samanta that in this case alleged search and seizure of contraband substance has been done in complete violation of mandatory provision of NDPS Act and in this facts & circumstances he prays for bail.

Ld. Advocate representing accd Bimal Mondal submits that this accd has been suffering from Cancer and if he be released on bail he will appear before this court on each and every dates fixed. In support of his contentions photo copies of some medical documents have been filed.

Ld. P.P in charge strongly opposes the prayer for bail submitting inter-alia that sufficient materials disclosing the involvement of both the accd persons in the alleged commission of offence has been transpired and moreover this case involves commercial quantity of narcotic substance.

Having considered the submission of both sides and having considered the entire materials in C.D, this court finds that the present case involves commercial quantity of narcotic substance. Moreover, investigation is in full swing.

With regard to the submission of Ld. Defence counsel that search, seizure has not been done in accordance with the mandatory provision of NDPS Act, this court is of view that whether search and seizure has been done in compliance with the mandatory provision of NDPS Act is completely matter of trial and therefore this court does not accept such submission of Ld. Defence counsel.

Thus in view of the aforesaid backdrop and after considering the rigor as provided U/s. 37 of NDPS Act, this court is not inclined to enlarge the accd persons on bail. Accordingly the prayer for bail stands rejected.

Both the accd persons be remanded to J.C till next date.

Superintendent Presidency Correctional Home is directed to provide all sorts of medical help to accd Bimal Mondal, if needed.

To 29.7.2024 for production of the accd from persons and I.O's report.

Inform Superintendent Presidency Correctional Home through e-mail by sending a copy of this order.

C.D be returned.

D/corr by me,

4th ASJ, Alipore.
(J.O.Code-WB00705).