

NDPS-23/2024

12.08.2024

Two accused persons namely Anup Samanta and Bimal Mondal are produced from J.C.

No report of I.O. has been submitted.

At this stage Ld. Advocate representing the accused Anup Samanta by filing a petition praying for bail submits that from the letter of complaint it is transpired that seizing officer did not conduct any test of the alleged contraband substance at the P.O. and due to such omission the accused person is entitled to be released on bail.

Ld. Advocate of accused in course of hearing draws attention of this court to a judgment passed by Hon'ble High Court, Karnataka.

Ld. P.P. in-charge strongly opposes the prayer for bail submitting interalia that the present case involves commercial quantity of narcotic substance and moreover the investigation is still going on.

Considered the submissions of both sides and also considered the entire materials on record.

This case involves commercial quantity of narcotic substance. Moreover, the investigation is still on progress and from the materials on record the involvement of the accused in the alleged commission of offence is prima facie transpired. The anomaly, as highlighted by the Ld. Defence Counsel in view of this court, is a matter of trial and it cannot be determined at this stage.

Hence, in view of above, the prayer for bail stands rejected.

Ld. Advocate for petitioner namely Nooran Jamadar submits that as per direction of this court I.O. has submitted a report regarding return of the seized motor bike being no. WB-96E-5897 and in view of this he prays for an order of returning the seized motor bike in favour of the petitioner.

Ld. P.P. in-charge strongly opposes such prayer of returning the seized vehicle submitting interalia that the seized vehicle is the offending vehicle and it cannot be returned at this stage.

From the materials on record it is found that the aforesaid motor cycle was seized at the P.O. and the seized motor cycle being alamat in this case, it cannot be returned at this stage.

Accordingly, the prayer of returning the seized motor cycle being no. WB-96E-5897 in favour of the petitioner stands rejected.

Fixing **23.08.2024** for production and I.O.'s report.

D/c by me,

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