

NDPS Case No.07 of 2023
JO CODE No.WB00575
CNR No.WBUD01-000531-2023

Order No.04

14.03.2023

Bail petition on behalf of accused Ranjit Das is filed.

The same is moved by his Ld. Lawyer submits inter alia that his client has been falsely implicated in this case and the alleged recovery is between small quantity and commercial quantity, so Sec.37 of the Act is not a bar.

It is further pointed out that there is a serious anomaly in respect of seizure list of recovered Ganja and seizure list of mobile does not bear the signature of CI Saheb. So it makes it doubtful and accused be released on bail.

Ld. PP has strongly raised objection by submitting that investigation is in its nascent stage.

Having heard both sides. Having perused the case record.

It appears that on source information the raid was conducted and accused was detained and on search 12 kgs or more Ganja has been recovered from the direct possession of this accused person which is obviously in between the range of 500 gms and 20 kgs i.e. in between small and commercial quantity. It is also fact that as per seizure list in terms of recovered alleged Ganja the signature of CI Saheb exists along with independent witness Ajoy Sharma and other. As per seizure list in respect of mobile phone it does not bear the signature of CI Saheb but there is no bar on the part of the investigation agencies to prepare a separate seizure list. It is also fact that signature of CI Saheb is not in seizure list of mobile but signature of independent witness exists. So this anomaly can be considered and determined after taking evidence, not the initial stage of investigation.

Apart from it, from CD it appears that there are various monetary transactions between this accused person and another co-accused Bhabani Ch. Roy and considering other materials in CD and its stage of investigation I am not inclined to allow the bail prayer. So, bail prayer stands rejected.

Return CD and Call for CD.

To **28.03.2023** for production and IO's report.

Judge

Judge, (NDPS Act),
1st Court, Raiganj, Uttar Dinajpur