

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

20.08.2019
tkm/ct 1
sl no. 16

C.R.M. 668 of 2019

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 13.8.2019 in connection with Dinhata P.S. Case No. 186 of 2019 dated 25.4.2019 under section 21(c) of the NDPS Act

And

In Re : Rashidul Hoque petitioner

Ms. D. Dhar

..... for the petitioner

Mr. A. S. Chakraborty

Mr. S. Ganguly

..... for the State

Heard the learned advocates appearing for the respective parties.

It is submitted on behalf of the petitioner that he is innocent and the seizing officer is the investigating officer himself.

Learned lawyer for the State opposes the prayer for bail and submit that the petitioner was dealing in narcotic substance above commercial quantity.

Having considered the materials in the case diary and bearing in mind the prima facie involvement of the petitioner in the alleged seizure of narcotic substance above commercial quantity and in the light of the statutory restrictions under section 37 of the NDPS Act and as the issue relating to illegality of investigation conducted by the seizing officer as contended on behalf of the petitioner being a mixed question of fact and law which is required to be thrashed out on evidence, we are of the opinion that this is not a fit case to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)