

25.11.2021

Item No.1

Ct.No.1

dc./gsd

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

C.R.M. 372 of 2021

CRAN 1 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. 65 of 2019 arising out of Kotwali P.S. Case No. 572 of 2019 dated 21.8.2019 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

And

In the matter of : **Mukesh Kumar & anr.**

... Petitioners.

Mr. Avik Ghatak

Mr. Soumya Nag

... for the petitioners

Mr. A. S. Chakraborty

Mr. Aniruddha Biswas

... For the State.

The subject-matter of the case relates to recovery of commercial quantity of *ganja*. Accordingly, the petitioners have failed to overcome the rigours of Section 37 of the NDPS Act.

Learned Advocate for the State is present and opposes the prayer for bail. As such, we are not inclined to release the petitioner on bail at this stage.

Mr. Ghatak, Learned Advocate for the petitioners submits that the charge-sheet was submitted after the statutory period is over. As the records of the application do

not reflect any certified copy regarding the submission of charge-sheet, we are not taking into account the said point, as agitated, as none of the documents are before us.

The petitioners are at liberty to canvass the points relating to statutory bail in a fresh application, if so advised, and file before this Court.

With the aforesaid observations CRM 372 of 2021 along with CRAN 1 of 2021 is **dismissed**.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)