

29.07.2021.
13.
Akd/As
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 716 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.64 of 2020 arising out of Jaigaon P.S. Case No.262 of 2020 dated 07.11.2020 under Sections 17(c) of the N.D.P.S. Act.

In the matter of : Raj Kumar Sha & Anr.

... Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji.

.....for the Petitioners.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

.....for the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with NDPS Case No.64 of 2020 arising out of Jaigaon P.S. Case No.262 of 2020 dated 07.11.2020 under Sections 17(c) of the N.D.P.S. Act, the petitioners have filed the instant application for anticipatory bail.

Indubitably, the commercial quantity of contraband (270 grams of brown sugar) was recovered from the joint possession of the petitioner and another person. The shelter has been taken on the inconsistency having shown in the First

Information Report and the seizure list but in view of the embargo created under Section 37 of the N. D. P. S. Act, we do not think that the petitioners are entitled to be enlarged on bail.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

The application for anticipatory bail, being CRM 716 of 2021, is thus dismissed.

However, we request the learned Special Judge, N. D. P. S. Court to expedite the matter.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)