

29.07.2021

Court No. 28
Item No. JB - 06
nandy

(bail - rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 684 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 23.06.2021 in connection with Phansidewa Police Station Case No. 01 of 2019 dated 01.01.2019 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act. (CR (NDPS) Case No. 01 of 2019)

and

In the matter of: **Md. Nijamuddin Sayyed**

..... Petitioner

Mr. Aniruddha Biswas, Advocate

.....for the Petitioner

Mr. Aditi Shankar Chakraborty, Learned A.P.P.

Mr. Saurav Ganguly, Advocate

..... for the State

The Advocate-on-record of the petitioner 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.

The petitioner has filed the instant application for bail in connection with Phansidewa Police Station Case No. 01 of 2019 dated 01.01.2019 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

Commercial quantity of contraband has been recovered from the exclusive possession of the petitioner.

In view of the embargo created under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, we do not think that the petitioner should be released on bail.

As such, the prayer for bail is **rejected**.

The application being **CRM 684 of 2021** accordingly **dismissed.**

However, our attention is drawn over the medical condition of the petitioner as has been detected to have suffered from cancer. It is further submitted that Doctor has advised for better treatment.

In view of the above, the Superintendent of the concerned Correctional Home is directed to extend all medical support to the petitioner as and when advised by the attending Doctor and liberty is granted to the petitioner to move the learned Special Judge, NDPS Court for any other treatment if exigency so demand.

(Harish Tandon , J.)

(Bibek Chaudhuri, J.)