

29.07.2021.
12.
Akd/As
(Rejected)

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

**C.R.M. 706 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.13 of 2018 arising out of Alipurduar P.S. Case No.144 of 2018 dated 13.04.2018 under Sections 20(b)(1)(C) of the N.D.P.S. Act.

In the matter of : Mominur Mia.

... Petitioner.

Mr. Hillol Saha Poddar.

.....for the Petitioner.

Mr. Ujjal Lucksom,
Mr. Aniruddha Biswas.

.....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.

Apprehending arrest in connection with NDPS Case No.13 of 2018 arising out of Alipurduar P.S. Case No.144 of 2018 dated 13.04.2018 under Sections 20(b)(1)(C) of the N.D.P.S. Act, the petitioner has filed the instant application for anticipatory bail.

This is the third round of litigation before this Court. The earlier two applications got dismissed by this Court as the commercial quantity of the contraband was recovered from the possession of the petitioner.

In view of the embargo created under Section 37 of the N. D. P. S. Act, we do not think that the petitioner is entitled to be enlarged on bail.

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

The application for anticipatory bail, being CRM 706 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.)