

21.09.2021
Court No.01
Item No.24
Avijit Mitra

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

**CRM 954 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re: Tutul Barman

...Petitioner

Mr. Subhasish Misra,
Mr. Sarup Das

...For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Sitai Police Station Case No.17 of 2021 dated 07.02.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Misra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation chargesheet has also been submitted and in view thereof, further detention of the petitioner, who is in custody for more than six months, is not warranted in the facts and circumstances of the present case.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that contraband substance above commercial quantity was recovered from his possession.

Having heard the learned advocates for the parties and considering the materials in the case diary and the fact that

contraband substance above commercial quantity was recovered from the possession of the petitioner, we are of the opinion that the rigors of Section 37 of the N.D.P.S. Act are attracted. In view thereof, the petitioner's prayer for bail is refused at this stage.

Accordingly, the application for bail being C.R.M. No.954 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)