

04.03.2022

COURT : 01
ITEM : 02
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (NDPS) 23 of 2022

In Re:- An application for **bail** under section **439** of the Code of Criminal Procedure filed on January 21, 2022 in connection with Tufanganj Police Station Case No. 112 of 2021 dated 13.03.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 36 of 2021)

And

In the matter of: **Nur Chhamad Haque @ Nur Samad Haque**

...Petitioners

Mr. Arjun Chowdhury, Advocate

...for the Petitioners

Mr. Nilay Chakraborty, Advocate

Mr. Tapan Bhattacharjee, Advocate

...for the State

The petitioner is seeking bail in connection with Tufanganj Police Station Case No. 112 of 2021 dated 13.03.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

This is an application for bail at the behest of the petitioner who has been apprehended in connection with the aforementioned case having allegedly possesses the contraband above the commercial quantity. When the bail application was moved earlier it was not indicated that the contraband allegedly recovered is above the commercial quantity.

Our attention is drawn to the original case diary produced by the State, wherefrom we find the specification of the bottles containing the contraband. Since contraband above commercial quantity is allegedly recovered and in view of the bar created under Section 37 of the NDPS Act we do not find any justification in taking exception thereto.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM (NDPS) 23 of 2022** is **dismissed** at this stage.

Since charge-sheet has already been submitted, the learned Judge of the Special Court under NDPS Act, is requested to expedite the trial.

(Harish Tandon, J)

(Rabindranath Samanta, J)