

01.03.2022

COURT : 01
ITEM : 19
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (NDPS) 34 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on February 3, 2022 in connection with Dinhata Police Station Case No. 24 of 2021 dated 13.01.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 06 of 2021)

And

In the matter of: **Rasidul Haque**

...Petitioner

Mr. Sudip Guha, Advocate

...for the Petitioner

Mr. Nilay Chakraborty, Advocate

Mr. Tapan Bhattacharjee, Advocate

...for the State

The petitioner is seeking bail in connection with Dinhata Police Station Case No. 24 of 2021 dated 13.01.2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

Contraband above the commercial quantity has been allegedly recovered from the exclusive possession of the petitioner. The petitioner is in custody for more than one year. The plea of bail is founded upon the assertion that once the chargesheet has been submitted no custodial interrogation is required in the instant case.

Since the contraband above the commercial quantity has been allegedly recovered from the possession of the petitioner, even though chargesheet has been submitted, we do not think that rigour of Section 37 of the NDPS Act has been diluted. We thus do not find any ground for taking exception to Section 37 of the NDPS Act.

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

The application being **CRM (NDPS) 34 of 2022** is **dismissed** at this stage.

We, however, request the learned Judge, Special Court to expedite the trial and bring the case to its logical end as early as possible.

(Harish Tandon, J)

(Rabindranath Samanta, J)