

21.02.2022
Sl. JCB4
Court No.29
sourav
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. (NDPS) 49 of 2022
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **10.02.2022** in connection with **Dinhata** P.S. Case No. **476** of **2021** dated **12.09.2021** under Sections **21(C)/29** of the NDPS Act, 1985 corresponding to NDPS Case No. **106** of **2021**.
And

In the matter of: **Prokash Dubey**

....petitioner.

Ms. Suman Sehnabis
Ms. Atulya Sinha

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Tapan Bhattacharyya

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that there are gross anomalies in the procedure of seizure.

Learned advocate appearing for the State submits that commercial quantity of narcotic was seized from the possession of the petitioner.

Considering the fact commercial quantity of the narcotic was seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioner. The so-called anomalies of the seizure may be looked into and considered at the time of trial.

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

C.R.M. (NDPS) 49 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

