

04.03.2022

COURT : 01
ITEM : 11
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (NDPS) 55 of 2022

In Re:- An application for **bail** under section **439** of the Code of Criminal Procedure filed on February 18, 2022 in connection with Birpara Police Station FIR No. 117 of 2018 dated 09.10.2018 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 41 of 2018)

And

In the matter of: **Surjya Karmakar**

...Petitioners

Mr. Simanta Kumar, Advocate

...for the Petitioners

Mr. Aditi Shankar Charkaborty, Advocate

Mr. Sourav Ganguly, Advocate

...for the State

The petitioner is seeking bail in connection with Birpara Police Station FIR No. 117 of 2018 dated 09.10.2018 under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner is languishing in jail for three and half years. It is submitted that the petitioner is a daily labourer and at the time of inspection the driver fled away from the spot and the petitioner being innocent is implicated in this case.

It appears from the record, more particularly, the case diary that commercial quantity of contraband was allegedly recovered from the vehicle wherein the petitioner was found. Since the contraband above the commercial quantity has been recovered, the embargo under Section 37 of the NDPS Act is attracted. We find no ground justifying the exception to be taken to the aforesaid provision of law.

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

The application being **CRM (NDPS) 55 of 2022** is **dismissed** at this stage.

However, we request the learned Judge, Special Court to expedite the trial.

(Harish Tandon, J)

(Rabindranath Samanta, J)