

08.06.2022
02
Ct. No. 01
KAUSHIK
REJECTED

CALCUTTA HIGH COURT
IN THE CITCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. (NDPS) 109 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dinhata** Police Station Case No. **261** of **2020** dated 03.08.2020 under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Sagari Saha

..... petitioner

Mr. Hillol Saha Poddar

....for the petitioner

Mr. Arun Kumar Sarkar

Mr. Biswarup Roy

....for the State

Report as called for by the order dated May 11, 2022 filed in Court be taken on record.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the alleged seizure was made at the police station. He submits that, one of the so-called independent witness is a police personnel.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the vehicle in which the narcotics were transported was taken to a place for the purpose of examination and dismantling a portion of the vehicle to search for the

narcotics. He refers to the seizure list also. Narcotics of commercial quantity was seized from such vehicle.

Considering the fact that commercial quantity of 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.

In such circumstances, prayer for bail of the petitioner is rejected and the application being CRM (NDPS) 109 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)