

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

13.05.2022
Court No.01
rpan / **26**

CRM (NDPS) 160 of 2022

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Rahul Mia @ Rahul Miah

- Petitioner

Mr. Hillol Saha Podder,
Mr. Sayantan Bhowmik,
Ms. Mousumi Das
... for the Petitioner.
Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy
... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Sahebganj Police Station Case No.331 of 2020 dated 07.08.2020 under Sections 21C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner's father is seriously ill and he is suffering from abdominal pain and requires operation. However, there is no other male member in his family and in view thereof, he may be granted interim bail so that he can take appropriate steps for his father's operation.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner's prayer for bail was earlier rejected on 1st July, 2021. There had been recovery of contraband of substance

above commercial quantity from the joint possession of the petitioner and another person and as such, statutory restrictions are clearly attracted.

Having heard the learned advocates and considering the medical documents annexed to the petition and the fact that there had been recovery of contraband of substance above commercial quantity from the joint possession of the petitioner and another person, which attracts the restrictions under Section 37 of the NDPS Act, we are not inclined to exercise discretion in his favour and his prayer for bail is refused at this stage.

The application for bail, being CRM (NDPS) 160 of 2022 is, thus, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)