

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

06.06.2022
Serial no.47
[Dd]
(Bail Rejected)

CRM (NDPS) 162 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **NDPS Case No. 60 of 2019** arising out of **Dinhata** Police Station Case No. **338** of **2019** dated **09.08.2019** under Section **21 (C)** of the NDPS Act.

-And-

In the matter of : Dipak ProdhanPetitioner

Mr. Sabir Ali, Advocate
... .. *For the Petitioner*

Mr. Arun Kr. Sarkar,
Mr. Biswarup Roy, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the cognizance was taken without the forensic examination report.

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

The order of cognizance of the offence taken by the jurisdictional Court is not under challenge at the behest of the petitioner.

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 not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (NDPS) 162 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)