

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

28.07.2022
cm/ct 28

C.R.M. (NDPS) No. 233 of 2022

sl. no. 6

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 16 of 2022 arising out of **Siliguri P.S Case No. 154 of 2022** dated **29.01.2022** under Sections **21(c)/22(c)** of the N.D.P.S. Act.

Rejected

And

In Re : Fateh Ali @ Fate Ali & Ors.

..... petitioners

Mr. Shibaji Chatterjee
Ms. Rupsa Sreemani

..... for the petitioners

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Nilay Chakraborty

..... for the State

Petitioners are in custody for 180 days. It is submitted he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits investigation is complete and charge-sheet was submitted on 26th July, 2022.

We have considered the materials on record. In view of the fact that charge-sheet has been submitted on 26 July, 2022 petitioners are not entitled to statutory bail.

On merits, we note there are ample materials to show petitioners were transporting 50 bottles of Altorex-CD cough syrup containing codeine phosphate which is above commercial quantity.

In view of the aforesaid incriminating materials and in the light of the statutory restrictions under Section 37 of the N.D.P.S. Act, we are not inclined to grant bail to the petitioners.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)