

07.09.2022

Item No.18

Ct.No.1

K.B/b.r.

Rejected

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

CRM(NDPS) 244 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.62 of 2021 under the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Ashikul Alam**

....Petitioner

Mr. Hillol Saha Poddar
Ms. Moushumi Das

...for the Petitioner

Mr. Aditi Sankar Chakraborty, Ld. APP
Mr. Sourav Ganguly

.....for the State

This is an application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 62 of 2021 pending before the Learned Additional Sessions Judge, 1st Court, Cooch Behar-cum-Special Judge, Special Court (under the Narcotic Drugs and Psychotropic Substances Act, 1985) and in the matter of Boxirhat P.S. Case No. 143 of 2021 dated

30th May, 2021 under Sections 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned Counsel for the petitioner submits that the petitioner met with an accident and subsequently when the petitioner has lift the motor cycle and had tried to proceed further, the police has falsely implicated the petitioner in the instant case as the petitioner is in no way connected with the instant case.

Learned Counsel for the petitioner submits that the case was initiated on the 30th of May, 2021 and since then the petitioner is in custody.

Learned Counsel for the petitioner submits that the police has completed the investigation and submitted charge sheet, there is no possibility of hampering or tampering with the evidence.

Learned Counsel for the State vehemently opposes the prayer for bail and submits that the commercial quantity of the narcotics was seized from the possession of the petitioner and in terms of Section 37 of the N.D.P.S. Act, the petitioner is not entitled to get bail.

Learned Counsel for the State submits that the police has completed investigation and submitted charge sheet and the trial will be started immediately and at this stage if the petitioner is released on bail, there will be an apprehension that the petitioner will hamper or tamper the evidence.

Considered the rival submissions of the respective parties, case diary and the materials on record.

It is found that the alleged narcotics seized from the possession of the petitioner, which is the commercial quantity and during the investigation sufficient evidence has been collected against the petitioner and hence this Court is not inclined to grant bail to the petitioner at this stage.

CRM (NDPS) 244 of 2022 is rejected.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Krishna Rao J.)

(Subrata Talukdar, J.)