

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

30.08.2022
cm/ct 28

C.R.M. (NDPS) No. 258 of 2022

sl. no. 1

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **New Jalpaiguri P.S Case No. 569 of 2022** dated **30.05.2022** under Sections **20(b)(ii)(C)** of the N.D.P.S. Act.

Rejected

And

In Re : Danial Ali

..... petitioner

Mr. Jaydeep Kanta Bhowmik

..... for the petitioner

Mr. Nilay Chakraborty

Mr. Aniruddha Biswas

..... for the State

Petitioner is in custody for 92 days. There is no signature of the witness in the memo of arrest. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document namely, seizure list disclose recovery of narcotic substance i.e. 35.70 Kgs. of Ganja above commercial quantity from the petitioner. Absence of signature in the arrest memo does not erode the aforesaid overwhelming materials collected in the course of investigation.

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 petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

