

01.03.2022

COURT : 01
ITEM : 02
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

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

CRM 1123 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on December 2, 2021 in connection with Jalpaiguri Kotwali Police Station Case No. 685 of 2019 dated 22.10.2019 under Sections 20(b)/25/29 of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 35 of 2019)

And

In the matter of : **Kanu Das & Ors.**

...Petitioners

Mr. Biswarup Roy, Advocate

...for the Petitioners

Mr. Nilay Chakraborty, Advocate

Mr. Sagnik Shankar Sikdar, Advocate

...for the State

The petitioners are seeking bail in connection with Jalpaiguri Kotwali Police Station Case No. 685 of 2019 dated 22.10.2019 under Sections 20(b)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

The petitioners have been apprehended in connection with the afore-mentioned case having allegedly possesses contraband above commercial quantity. A plea has been taken that due to non-compliance of Section 42 of the Narcotic Drugs and Psychotropic Substances Act, the petitioners are entitled to bail.

The State opposes the prayer for bail. Whether there has been a compliance of Section 42 of the said Act or not, the same would be decided at the time of trial.

Since commercial quantity of contraband has been allegedly recovered from the joint possession of the petitioners, we do not find any ground for taking exception to Section 37 of the said Act.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM 1123 of 2021** is **dismissed**.

However, we request the Special Court to expedite the trial of the case.

(Harish Tandon, J)

(Rabindranath Samanta, J)