

28.11.22
Sl.54
Ct. No.1
(ss)

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

CRM (NDPS) 373 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Alipurduar** Police Station Case No.401 of 2021 dated 29/10/2021 under Sections 21(c)/29 of the NDPS Act;

And

In re: Sri Uttam Debnath

... petitioner.

Mr. Kumar Shantanu

... for the petitioner.

Mr. Abhijit Sarkar
Mr. Sourav Ganguly

...for the State.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

The learned counsel appearing for the petitioner argued that absence of any independent seizure witness vitiates and casts doubt of the seizure itself. According to him, this is a good ground to consider bail favourably.

The learned Public Prosecutor opposed the bail application.

Perused the case diary.

There is seizure of contraband articles of commercial quantity, attracting the rigours of Section 37 of the NDPS Act.

Considering the seriousness of offences, we are not inclined to exercise discretion in his favour. As such, his prayer for bail is refused.

The application for bail being CRM(NDPS) 373 of 2022, is accordingly, dismissed.

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)

