

AD-34  
Ct No.01  
Jalpaiguri  
02.02.2023  
TN

**Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side**

**CRM (NDPS) 19 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **02.01.2023** in connection with **NDPS** Case No. **124 of 2022** arising out of **Madarihat** Police Station Case No. **184 of 2022** dated **30.10.2022** under Section **22(c)** of the **NDPS Act**.

And

In the matter of: **Mahatab Ali**

.... petitioner

Mr. Arijit Ghosh,  
Mrs. Swarnali Ghosh (Sengupta)

... for the petitioner

Mr. Kallol Acharjee,  
Mr. Aniruddha Biswas

... for the State

The petitioner submits that the petitioner is in custody for 94 days.

Learned counsel for the petitioner also contends that 384 strips of Spasmo Proxyvon were recovered from the petitioner. The nature of the said drugs carried by the petitioner at the relevant juncture do not come within the definition of narcotic substance.

Learned counsel for the State opposes the prayer for bail of the petitioner and refutes the contention of the petitioner. It is submitted by the State that the contents found from the petitioner are above commercial quantity and are very well narcotic substances. That apart, since the investigation is going on, it is too early to consider grant of bail to the petitioner.

Upon hearing learned counsel, we are convinced that there is substance in the contention of the State.

As such, CRM (NDPS) 19 of 2023 is dismissed.

**(Sabyasachi Bhattacharyya, J.)**

**(Rai Chattopadhyay, J.)**