

D/L. 36
February 6, 2023
MNS

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

CRM (NDPS) 31 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with NDPS Case No. 70 of 2022 arising out of Kotwali Police Station Case No. 331 of 2022 dated 26.05.2022 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Ganesh Paswan

.... Petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Arjun Chowdhury

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for more than seven months. It is further submitted that the provisions of Section 41B of the Code of Criminal Procedure were not complied with in the present case.

Learned counsel for the State vociferously opposes the prayer for bail and submits that all conditions of law, including those of Section 41B of the Code of Criminal Procedure, were duly complied with in the present case. Independent witnesses also signed the memo of arrest. Moreover, it is submitted that 50 bottles of cough syrup, which are much above the commercial quantity, were seized from the petitioner.

Upon considering the submissions of the parties and taking into consideration the rigour cast by Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 31 of 2023 is rejected.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)