

27.02.2023

Sl. No.10
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 130 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Jaigaon Police Station Case No.262 of 2020 dated 07.11.2020 under Section 17(c) of the NDPS Act. (NDPS Case No.64 of 2020)

And

In Re: ***Manoj Barman***

... .. Petitioner

Mr. Arnab Saha

... .. for the petitioner

Mr. Abhijit Sarkar
Mr. Arjun Chowdhury

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 270 gms. of *opium*, which is above commercial quantity from the possession of the petitioner. It is submitted that search was in violation of Section 50 of the NDPS Act. Such issue requires to be thrashed out in course of trial. In view of the aforesaid materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

