

27.02.2023

Sl. No.20
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 141 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with NCB Crime No.34/NCB/KOL/2017 under Section 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.52 of 2017)

And

In Re: **Atul Sarkar**

... .. Petitioner

Ms. Mousumi Das

... .. for the petitioner

Mr. Sudipto Kr. Mazumder .. Id. Deputy Solicitor General

Mr. Sudip Kr. Paul

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about one year.

Learned Deputy Solicitor General opposes the prayer for bail and submits trial is in progress. Four witnesses have already been examined.

We have considered the materials on record. There are materials on record showing recovery of narcotic substance i.e. 173 kgs. of *Ganja*, which is above commercial quantity from the premises of the petitioner. In view of the materials on record and 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.)

