

27.02.2023

nb
Court -I
sl no. 67

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri**

C.R.M. (NDPS) 199 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Sahebganj P.S case no.417 of 2019 dated 20.8.2019 under section 20(b)(ii)(C)/29) of the NDPS Act

And

In Re Maminul Sekh @ Momimul Sekh @ Moninul Seikh... for the petitioner.

Mr. Prtusha Dutta Chowdhury,
..... for the petitioner
Ms. Aditi Shankar chakraborty,
Mr. Kollol Nag,
..... for the State

We are considered the materials on record.

It is contented that mandatory requirement under Section 50 of the NDPS Act had not been complied with. Recovery was made from a house and would not attract under Section 50 of the NDPS Act. Statements of witnesses and contemporaneous document show recovery of narcotics from the petitioner.

Under such circumstances and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

Accordingly, prayer for bail is rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)