

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

27.02.2023.
88/tkm

C.R.M. (NDPS) 222 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharibari P.S case no.351 of 2021 dated 3.11.2021 under sections 21(c)/22(c) of the NDPS Act.

In the matter of : Safik Alam ... Petitioner.

Mr. J K Bhowmik
Mr. S Bhowmik
Ms. R Sarkar

...for the Petitioner.

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

...for the State.

Statements of official witnesses and contemporaneous documents show recovery of narcotic substance above commercial quantity from the petitioner. Bail prayer of the petitioner was rejected earlier on merits. Impact of non-joining independent witnesses must be assessed in the light of the statements of official witnesses during trial.

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 petitioner.

Accordingly, prayer for bail is rejected.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)