

01.03.2023

Sl. No.24
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 231 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.02.2023 in connection with Birpara Police Station Case No.78 of 2021 dated 21.05.2021 under Section 21(b)(ii)(c) of the NDPS Act. (NDPS Case No.19 of 2021)

And

In Re: **Abhijit Biswas**

... .. Petitioner

Mr. Sudhindra Das

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Arjun Chowdhury

... .. for the State

It is submitted on behalf of the petitioner that the Gazetted Officer present during search and the Investigating Officer are the same person.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. SSB personnel apprehended the petitioner and seized narcotics above commercial quantity. Investigation is being conducted by the local police. Under such circumstances, we are prima facie satisfied there is no bias in the investigation.

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.)

