

01.03.2023

Sl. No.25

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 234 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2023 in connection with Siliguri Police Station Case No.673 of 2022 dated 13.07.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.79 of 2022)

And

In Re: ***Md. Nasib @ Nasir***

... .. Petitioner

Mr. Sudip Kr. Paul

... .. for the petitioner

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

Mr. Subhasish Misra

... .. for the State

Heard the learned Advocates appearing for 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. 308 gms. of *Heroin*, which is above commercial quantity from the joint possession of the petitioner and co-accused. In view of the aforesaid incriminating materials 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.)

