

05.6.2023
Court No.01
Item No. 64
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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

Rejected

CRM (NDPS) 330 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 858 of 2020 dated 16.8.2020 under Sections 21(c)/23(ii)(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Md. Basimuddin @ Md. Basiruddin @ Basir**
.... Petitioner

Mr. Hillol Saha Poddar
Ms. Mousumi Das

... For the Petitioner

Mr. Nilay Chakraborty
Mr. Subhasish Misra

... For the State

Learned counsel appearing for the petitioner submits that the petitioner is enjoying interim bail. It is further submitted that no narcotic substance was recovered from the petitioner.

Learned counsel appearing for the State opposes the prayer for bail.

It is submitted that one packet from a bag containing 285 grams of brown sugar was recovered from the custody of the petitioner, although interim bail was granted as he was sick. Moreover, it is submitted that due to illness he did not surrender and subsequently the interim bail was recalled on 17th September, 2021 as he jumped the bail conditions. The petitioner is still sick but no medical document has been produced to show that he is still sick.

In view of the fact that the contraband article was recovered from the custody of the petitioner, we are not inclined to grant bail to the petitioner.

The prayer for bail of the petitioner is thus rejected. CRM 330 of 2023 is accordingly disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)