

03.07.2023
Item no.105.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 416 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2023 in connection with Siliguri Police station Case No. 1114 of 2021 dated 11.09.2021 under Sections 21(C)/22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : Md. Arman

.....Petitioner.

Mr. Gobinda Ghosh,
.....for the Petitioner.

Mr. Sourav Ganguly,
Mr. Subhasish Misra,for the State.

Heard learned advocate for the petitioner and for the State. Admittedly, commercial quantity of Codeine Phosphate was recovered from the possession of the present accused petitioner.

It is submitted at the Bar that this is the second application for bail. On perusal of the entire material, it reveals that in CRM (NDPS) 189 of 2023, a Co-ordinate Bench by an order dated 27.02.2023 rejected similar such prayer of the present accused petitioner. Considering the fact that there is no supervening circumstances in favour of the present accused petitioner and also considering the statutory restriction under

Section 37 of the NDPS Act, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure.

The application for bail is, accordingly, rejected.

CRM (NDPS) 416 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)