

12.07.2023
Item no.67.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 434 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Bijay @ Bijoy Dahal. Petitioner.

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy, for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Sourav Gangully, for the State.

The petitioner says that he has been falsely implicated.
He has no truck with the alleged incident.

The prosecution case is that 6728 grams of Heroin in
13 packets was recovered from the joint possession of the
petitioner and other accused persons.

The petitioner says that Section 50 of the N.D.P.S. Act
has been completely breached. It is mandatory to comply with
the provisions of Section 50 of the Act.

We have seen the material in the case diary including
the seizure list and the memo of arrest. Prima facie, we do not
find any serious infraction of the provisions of Section 50 of the
N.D.P.S. Act. We are also told that trial has begun in the mean
time. Accordingly and also in view of the restrictions under

Section 37 of the N.D.P.S. Act, we are not inclined to grant the petitioner's prayer for bail.

However, we clarify that the observations made in this order are tentative and only for the purpose of disposing of the present application for bail.

The application for bail is, accordingly, rejected.

CRM (NDPS) 434 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.)