

50.
Court
No.1

Rejected

14.07.2023

Tanmoy Ghosh

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (NDPS) 447 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Madarihat Police Station Case No. 193/2022** dated **16.11.2022** under Sections **20(c)/25/29** of the NDPS Act, 1985. NDPS Case No. 129/2022.
And

In the matter of: - **Rajesh Roy**

Mr. Arnab Saha, Adv. ...petitioner.
Mr. Aditi Shankar Chakraborty, Ld. APP, ...for the petitioner.
Mr. Biswarup Roy, Adv. ...for the State.

We have heard learned Advocate for the petitioner and learned Advocate for the State at length.

On a perusal of the entire material in the case diary it appears that commercial quantity of contraband material was seized from the possession of the present accused/petitioner.

Considering the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to exercise our discretion under Section 439 of the Code of Criminal Procedure, 1973, in favour of the present accused/petitioner and accordingly the prayer for bail is rejected.

The application for bail being CRM (DB) 447 of 2023 is accordingly dismissed.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)