

05.10.2023.

Ct. No. 1

Item No. 50

sp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.R.M. (NDPS) No. 620 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 16.08.2023 in connection with Kharibari Police Station Case No. 333 of 2022 dated 13.10.2022 under Sections 21(c)/22(c) of the NDPS Act, 1985;

And

In the matter of: **Saraswati Giri**

...petitioner

Mr. Hillol Saha Poddar

... For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Acharjee

... For the State

1. The application for bail of the petitioner is canvassed on the ground that the co-accused was granted statutory bail. The co-accused was the driver of the scooty fromwhere the contraband was recovered.
2. Mr. Hillol Saha Poddar, learned counsel for the petitioner, in his usual humility and dexterity has submitted that the possession of the contraband was not on the person of his client, the pillion rider. It is also submitted that the petitioner is in custody for nearly a year. He, therefore, prays for bail on behalf of his client.
3. Counsel for the State has argued that the charge sheet has since been filed along with the FSL report.

The quantity of narcotics are above the commercial quantity.

4. In the facts and circumstances and the bar under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.
5. Hence, CRM (NDPS) 620 of 2023 shall stand dismissed.
6. The arguments of Mr. Hillol Saha Poddar are at best that the defence can be advanced in course of trial.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)