

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**04.09.2023
Court No.01
Item No.58
Avijit Mitra**

CRM (NDPS) 661 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bhaktinagar Police Station Case No.1572 of 2021 dated 14.12.2021 under section 21(1)(c)/22(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In Re: Md. Yusuf Ali Khan

...Petitioner

Mr. Biswarup Roy,
Mr. Sourab Kar

...For the Petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

...For the State

Mr. Kar, learned counsel appearing on behalf of the petitioner submits that he is in custody since December 14, 2021 and further incarceration may not be necessary in view of the fact that despite the long passage of time, the charges have not yet been framed.

Mr. Chakraborty, learned counsel appearing on behalf of the State submits that there are several incriminatory documents against the petitioner. The contraband substances obtained from the custody of the petitioner are clearly above the commercial quantity and the rigours of Section 37 of the NDPS Act are clearly attracted. Therefore, the prayer for bail should be rejected.

Upon consideration of the rival submissions of the parties and the materials placed on record, this Court is of the view that the contraband substances have been obtained from the

direct possession of the petitioner and the rigours of Section 37 of the NDPS Act are clearly attracted. Furthermore, this Court finds that the prayer for bail was dismissed as 'not pressed' by a co-ordinate Bench on August 11, 2023.

As such this Court is not inclined to consider the prayer for bail, at this stage.

Accordingly, **CRM (NDPS) 661 of 2023 is dismissed.**

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)