

AD-9
Ct No.01
Jalpaiguri
18.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 667 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2023 in connection with NDPS Case No. 49 of 2023 arising out of Bhaktinagar Police Station Case No. 384 of 2023 dated 15.05.2023 for alleged offence punishable under Sections 21(c)/23(b)/25/29 of the NDPS Act, 1985.

And

In the matter of: MD NUR ALAM

.... petitioner

Ms. Madhushri Dutta

... for the petitioner

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioner submits that there are discrepancies in the arrest of the petitioner. The memo of arrest, it is argued, is a typewritten/pre-printed document which casts doubt on the process of arrest and seizure.
2. Learned counsel for the petitioner, on query of Court, submits that the petitioner is in custody only for a little over four months.
3. Learned counsel for the State opposes the prayer for bail and submits that the provisions of Section 37 of the NDPS Act operate in full force. That apart, it is denied that the memo of arrest is a mere typed copy.

4. Upon a perusal of the memo of arrest and upon hearing learned counsel for the parties, we are of the opinion that it is premature for the petitioner to seek bail, more so due to the restrictions under Section 37 of the NDPS Act.
5. Accordingly, the CRM (NDPS) 667 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)