

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

30.08.2023
Item no.3
Court No.01
P.P./S.D.

CRM (NDPS) 678 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re: Biswajit Barman

.... petitioner

Mr. Subhasish Misra

Mr. Swarup Das

....for the petitioner

Mr. Abhijit Sarkar

Mr. Sourav Ganguly

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Birpara Police Station Case No.163 of 2022 dated 12.10.2022 under Sections 21 (c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Misra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. In the Arrest of Memo at column 10, no signature of a member of the petitioner's family has been taken and such infirmity casts a doubt as regards the petitioner's involvement. In the said conspectus and as the petitioner has already suffered detention since 8.5.2023, he may be enlarged on bail more so, when upon completion of investigation, chargesheet has been submitted.

Mr. Sarkar, learned advocate appearing for the State denies the contention of the petitioner and submits that contraband substance above commercial quantity has been recovered from the joint possession of the petitioner and two other persons and as such the statutory restrictions are clearly attracted. The column 10 of the Arrest Memo contains the signature of a witness and in view thereof, the petitioner's prayer may be refused.

Having heard the learned advocates appearing for the respective parties and considering the materials in the Case diary and as contraband substance above commercial quantity recovered from the joint possession from the petitioner and two other accused persons, rigours of Section 37 of the NDPS Act are clearly attracted.

Accordingly, the petitioner's prayer for bail is refused at this stage.

The application being CRM (NDPS) 678 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.)

