

AD-53
Ct No.01
Jalpaiguri
20.09.2023
SP

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

CRM (NDPS) 691 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **04.09.2023** in connection with **Birpara** Police Station Case No. **163** of **2022** dated **12.10.2022** under Section **21(C)/25/29 of the NDPS Act, 1985.**

And

In the matter of: GOURANGA BARMAN AND ANR petitioners

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioners

Mr. Aditi Shankar Chakraborty
Mr. Subhasis Misra

... for the State

1. Learned counsel for the petitioners submits that the petitioners are respectively of 21 and 22 years of age. That apart, the samples in question were sent for chemical examination much after the seizure. It is further argued that the petitioners are already in custody for 356 days.
2. Learned counsel for the State opposes the prayer for bail.
3. Upon considering the circumstances of the case and the nature of the allegations, we are of the opinion that the

restriction under Section 37 of the NDPS Act is fully operative.

4. Accordingly CRM(NDPS) 691 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)