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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 748 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with Jaigaon Police Station Case No. 300 of 2022 dated 24.12.2022 under Section 22(c) of the NDPS Act, 1985.

In the matter of : Molay Sarkar

... petitioner

Mr. Dilip Chakraborty

...for the petitioner

Mr. Niloy Chakraborty,
Mr. Biswarup Roy

...for the State

1. Learned counsel for the petitioner contends that the gross discrepancy in the weight of the seized materials itself vitiates the seizure. That apart, there was contravention of Section 41B of the Criminal Procedure Code.
2. Learned counsel for the State opposes the prayer for bail and submits that on August 03, 2023 itself, the petitioner's application for bail had been rejected.
3. It is pointed out that the coordinate Bench had observed that large quantities of contraband articles were recovered from the exclusive possession of the petitioner, who was driving the vehicle. It was further observed that considering the commercial quantity of substance, the said Bench did not find that the petitioner had been able

to make out a case to wriggle out from the purview of Section 37 of the NDPS Act.

4. We find no change of circumstances since the last rejection of bail, which was only in the last month.
5. Accordingly, CRM (NDPS) 748 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)