

27.02.2023

Sl. No.2
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 435 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with New Jalpaiguri Police Station Case No. 203 of 2022 dated 02.03.2022 under Section 23(c) of the NDPS Act read with Sections 25(1)(a)/27 of the Arms Act. (NDPS Case No.22 of 2022)

And

In Re: ***Dipak Chandra Barman & Ors.***

... .. Petitioners

Mr. Santanu Maji

... .. for the petitioners

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Aniruddha Biswas

... .. for the State

CFSL report is placed on record. From the report it appears some of the samples tested positive to narcotic substance whereas others did not.

In view of the retesting report, it appears some of the samples seized from the petitioners have tested positive to *Heroin*. Petitioners and co-accuseds were arrested together. The attending circumstances demonstrate that the accused persons were moving together and some of the samples recovered from them have tested positive to *Heroin*. This shows commonality of interest in trafficking narcotics. Quantity of narcotics recovered from them is above commercial quantity. Hence, the petitioners are not entitled to bail on merits.

With regard to statutory bail, the issue was agitated earlier and was turned down by a co-ordinate Bench of this court.

The application for bail is thus **rejected**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

