

22.11.2023

Serial no.9

Court No.1

(CHC)

(Rejected)

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

CRM (NDPS) 832 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Rajganj** Police Station Case No. **101 of 2023** dated **25.02.2023** under Sections **20(b)(ii)(c)/25/29** of the Narcotic Drugs and Psychotropic Substance Act.*

-And-

In the matter of : **Amir Ahamad Shaikh**
@ Ameer Shaikh

... .. Petitioner

*Mr. Jagriti Mishra, Advocate
Mr. Sabir Ali, Advocate
Ms. Ananya Bhattacharya, Advocate
Ms. Mrinmayee Das, Advocate
... .. For the petitioner*

*Mr. Sourav Ganguly, Advocate
Mr. Dhiman Sil, Advocate
... .. For the **State***

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, there are discrepancies between the narration of events in the First Information Report and that of the charge-sheet submitted. He contends that, charge-sheet was submitted subsequent to the early order of rejection dated July 5, 2023.

Moreover, there are breach of the provisions of Section 52A of the N.D.P.S. Act, 1985.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

Commercial quantity of narcotics were seized from the possession of the petitioner.

The issue as to whether, there are any discrepancy between the narration of events in the First Information Report and that of the charge-sheet as well as the infraction of Section 52A of the Act of 1985 should be considered at the time of trial, if so raised.

In view of the fact that commercial quantity of narcotics were seized from the possession of the petitioner, he is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

CRM(NDPS) 832 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)