

20.11.2023

Serial no.31

Court No.1

(CHC)

(Rejected)

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

CRM (NDPS) 841 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Matigara** Police Station Case No. **896 of 2021** dated **19.08.2021** under Section 21(c) of the N.D.P.S. Act.*

-And-

In the matter of : **Pappa Shaw & ors.**

... .. Petitioners

*Mr. Satarudriya Mukherjee, Advocate
Ms. Oshmita Mukherjee, Advocate
Ms. Poonam Tamang Lama, Advocate
... .. For the Petitioners*

*Mr. Kallol Acharjee, **Advocate**
Mr. Arjun Chowhury, Advocate
... ..For the **State***

Commercial quantity of narcotics were seized from the joint possession of the petitioners.

Learned advocate appearing for the petitioners contends that there are serious lacuna in the investigation.

The so-called lacuna may be agitated at the trial, if named. The materials in the Case Diary suggests that, the commercial quantity of narcotics were seized from the joint possession of the petitioners.

In such circumstances, petitioners are unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985.

Considering the gravity of the offence and involvement of the petitioners therein, we are unable to grant bail to the petitioners.

CRM(NDPS) 841 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)