

48.  
Court  
No.28

24.07.2024  
  
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION  
  
CRM (NDPS) 1163 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Raghunathganj P.S. Case No. 854/2023, dated 15.10.2023.

And  
In the matter of: - **Ngahneikim Haokip** ...petitioner.  
  
Mr. Shataroop Purkayastha, Adv.,  
Ms. Jagriti Bhattacharya, Adv.,  
Mr. Sambhu Prasad, Adv. ...for the petitioner.  
  
Mr. Arani Bhattacharyya, Adv. ...for the State.

**Dictated by Partha Sarathi Sen, J.**

1. Learned Advocate for the petitioner submits that considering that the present accused petitioner is languishing in JC for a considerable length of time, his prayer for bail may be allowed.
2. Learned Advocate for the State opposes the prayer for bail.
3. On perusal of the entire material in the case diary it appears that commercial quantity of contraband article was recovered from the joint possession of the present accused petitioner and the co-accused person. In view of the statutory restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not convinced to exercise our discretion under Section 439 of the Code of Criminal Procedure,

1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in favour of the present accused petitioner.

4. Hence, the prayer for bail is rejected.

5. The application for bail being CRM (NDPS) 1163 of 2024 is accordingly dismissed.

6. It is reported that August 22, 2024, is the date fixed for consideration of charge. In view of such, we direct the learned Trial Court to consider the charge positively on the next date fixed and if charges are framed, thereafter to proceed with the trial as expeditiously as possible. This order shall be immediately communicated to the learned Trial Court by both the parties.

**(Arijit Banerjee, J.)**

**(Partha Sarathi Sen, J.)**