

29.02.2024

Item No.45
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 4397 of 2023

In the matter of : **Alok Mandal** ... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick ... For the Petitioner.

The petitioner has prayed before this Court for setting aside an order passed by learned Special Court which relates to whether the petitioner can be released on default bail under the provisions of Section 36 of the NDPS Act.

Having considered the final outcome which has to be decided on such issue, I am of the view that in the fitness of circumstances, the petitioner ought to prefer an application under Section 439 of the Code of Criminal Procedure before the Court having determination.

With the aforesaid observations, the revisional application being CRR 4397 of 2023 is disposed of.

Department is directed to return the certified copy to the learned advocate-on-record of the petitioner on the same being replaced by photostat copy.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)