

80. 05.12.2024  
Court  
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1780 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Kaliachak PS Case No. 1429/2021 dated 24.12.2021.  
And

In the matter of: - **Safiul Sk @ Sariful Sk**

...petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Madhusudan Sur, APP

Mr. Subham Bhakat

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 90 days. There was no recovery from him. He has been implicated on the basis of statements made by co-accused persons. His wife, from whom commercial quantity of contraband items was seized, was arrested and granted bail after prolonged detention. Other accused persons have also been granted anticipatory bail as well as regular bail.
2. Opposing the prayer for bail learned State Counsel says that seizure of huge quantity of brown sugar and *yaba* tablets, which are contraband items, was made from this petitioner's bedroom. He had been absconding for three years. Warrant of Arrest had to be issued against him. Proclamation was also issued. Order of attachment was passed and only thereafter

the petitioner surrendered. There is sufficient incriminating evidence against the petitioner.

3. We have considered the material on record. *Prima facie* there is enough material against the petitioner.
4. In view of commercial quantity of contraband items being involved and the restriction in Section 37 of the NDPS Act, 1985, we are not inclined to entertain the petitioner's prayer for bail, at this stage. The bail prayer is rejected.
5. The application being CRM (NDPS) 1780 of 2024 is accordingly dismissed.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**