

13.05.2024

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(NDPS) No. 120 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No. 694 of 2023 dated 06.09.2023 under Sections 21(c)/22(c)/27A/29 of the NDPS Act.

And

In Re : Rabi Chakraborty @ Chakroborty @ Chhotu petitioner

Ms. Wahida Begum
....for the petitioner

Mr. Kallol Acharjee
Mr. Kallol Nag
..... for the State

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record. 32 bottles of codeine phosphate were recovered from the petitioner. It is also submitted there is no compliance of Section 52A of the NDPS Act. We are of the considered view this issue requires to be thrashed in the course of trial. In the light of the aforesaid and as quantity of narcotics seized is above commercial quantity, in light of statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.
3. Application for bail is, thus, rejected.

4. Issue of non-compliance of Section 52A of the NDPS Act is kept open to be agitated during trial, if so advised.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)