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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(NDPS) No. 137 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 288 of 2023 dated 17.12.2023 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Sujal Sah petitioner

Mr. Supriya Debnath
....for the petitioner

Mr. Nilay Chakraborty, learned APP
Mr. Saikat Chatterjee
..... for the State

1. Learned Counsel for the petitioner submits there is non-compliance of Section 42(2) of the NDPS Act. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits recovery was made in presence of the independent witness.

3. We have considered the materials on record. 1440 Spasmoproxyvon Plus capsules were seized from a plastic pouch in a garment shop. Whether garment shop is a private premises or a public space requires to be considered during trial. There are ample evidence supporting the prosecution case of recovery

of narcotics above commercial quantity from petitioner. He was unable to explain the licit possession of medicinal products containing narcotics. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)