

13.05.2024
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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(NDPS) No. 139 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Prodhan Nagar Police Station Case No. 731 of 2023 dated 16.09.2023 under Sections 21(c)/22(c)/27A/29 of the NDPS Act.

And

In Re : 1. Gaffar Ali
2. Babar Ali petitioners

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Mr. Naser Ali
Mr. Raj Kumar Mitra
Ms. Mrinmayee Das
Mr. Manish Gupta
....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Biswarup Roy
.... for the State

1. Learned Counsel for the petitioner submits Section 52A of the NDPS Act has not been complied with.
2. Learned Counsel for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses and seizure memorandum show recovery of 2.47 kgs. of Brown Sugar i.e. Heroin above commercial quantity from the petitioners. Non-compliance of

Section 52A of the NDPS Act may be thrashed out during trial. Trial court has ample powers to ensure compliance during trial, if required. Under such circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)