

25.04.2024
SL No.53
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 144 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jaigaon Police Station Case No.92 of 2022 dated 01.05.2022 under Section 22(c) of the NDPS Act, 1985.

And

In the matter of : **Sunil Tamang**

- Petitioner.

Mr. Anirban Banerjee,
Mr. Sandeep Dutta

....For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil

...For the State.

1. The status report as called for has been submitted on behalf of the State wherefrom it reveals that 18.06.2024 is the next date fixed for evidence as well as for production of the accused persons. From the materials as placed before this Court it reveals that huge commercial quantity of narcotic drugs and substances were recovered from the present accused petitioner.
2. Considering such circumstances and in view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to allow the prayer for bail.
3. Accordingly, the prayer for bail is rejected.

4. The learned Trial Court is requested to abide by the order dated 07.06.2023 passed by a Coordinate Bench on which one of us (*Soumen Sen, J.*) is the member in CRM (NDPS) 376 of 2023. It is further directed that the learned Trial Court shall ensure the production of all the alamats and appearance of the prosecution witnesses on each date of substantive hearing, failing which, the learned Trial Court shall be at liberty to enforce its order in accordance with law.
5. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)