

25.04.2024
Court No.01
Item No. 56
rejected
KC

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (NDPS) 152 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Phansidewa** Police Station Case No. **496** of **2022** dated **11.11.2022** under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re: **Prasenjit Mazumder**

... Petitioner

Mr. Arun Lama

For the petitioner

Mr. Abhijit Sarkar

Mr. Kallol Nag

For the State

1. Heard.
2. While opposing the prayer for bail, learned counsel for the State submits before this Court that commercial quantity of contraband was recovered from the possession of the present accused petitioner.
3. It is further submitted that examination of P.W. 4 is to be commenced on the next date.
4. In the above stated facts and circumstances of the case and in view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. In such circumstances, application for bail of the petitioner is rejected.
6. We make it clear that the prosecution shall ensure production of all the witnesses and the alamats on each date of successive hearing, failing which, the learned Trial Court will be at liberty to take appropriate coercive action against the prosecution witnesses as well as the police personnel.

7. **CRM (NDPS) 152 of 2024** is accordingly, disposed of.
8. 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)