

02.05.2024
SL No.55
Court No.1
(gc)
(rejected)

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

CRM (NDPS) 179 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kharibari Police Station Case No.323 of 2023 dated 16.11.2023 under Section 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Atarul & Anr.**

- Petitioners.

Mr. Hillol Saha Podder,
Ms. Mousumi Das

....For the Petitioners.

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas,
Mr. Arjun Chowdhury

...For the State.

1. Heard the learned Counsel for the parties.
2. It has been alleged that commercial quantity of contraband was recovered from the possession of the present accused petitioners.
3. In view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the petitioners.
4. Accordingly, the prayer for bail is rejected.
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.)