

JPD-93
Ct No.01
31.07.2024
S.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 352 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with NCB Crime No. 01/NCB/SLG/2024 dated 01.05.2024 under Sections 8(c)/21(b)(ii)(c)/29 of the NDPS Act.

And

In the matter of: Prasenjit Sarkar

...Petitioner

Mr. Subhankar Dutta

... for the petitioner

Mr. Sudipto Kumar Mazumder
Mr. Sudip Kumar Paul

... for the State

1. Learned counsel for the petitioner contends that the recovery was made from the petitioner on the basis of the statement of a co-accused person. Both of them reside in different areas and under different police stations.
2. As such, there is no connection between the two. Thus, learned counsel for the petitioner seeks to hit at the root of the complaint.

3. The learned Deputy Solicitor General opposes the prayer for bail.
4. Upon hearing learned counsel, we are of the opinion that the hypertechnical objections sought to be raised by the petitioner have no tenability in the eye of law. It may very well be that as a series of the same transaction, recoveries were made from different places from different co-accused persons.
5. We do not find any reason for such circumstances to mitigate the rigour of Section 37 of the Criminal Procedure Code.
6. Accordingly, CRM(NDPS) 352 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)