

JPD-77
Ct No.01
30.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 368 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 82 of 2024 dated 01.03.2024 under Sections 21(c)/22(c)/27(a)/29 of the NDPS Act, 1985.

And

In the matter of: **Saddam Hossain and another**

.... petitioners

Mr. Arnab Saha

... for the petitioners

Mr. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikdar

... for the State

1. Learned counsel for the petitioners submits that no contraband article was recovered from the petitioners themselves.
2. As evident from the FIR, as per learned counsel for the petitioners, the only recovery from the petitioners was one black coloured side bag containing money and one yellow and saffron coloured striped nylon shopping bag, also containing money.
3. Hence, it is contended that the involvement of the petitioners in dealing with the contraband articles is doubtful.
4. Learned counsel for the State opposes the prayer for bail and also relies on the FIR.
5. We find from the FIR that the involvement of the petitioners as per the allegations was direct, since huge amounts of cash were being carried in the bags recovered from the petitioners at the very site

where the contraband articles above commercial quantity were being exchanged by the five arrestees, including the petitioners.

6. Thus, even if there was no immediate recovery of contraband articles from the person of the petitioners, the role of the petitioners in the offence is palpable as per the FIR.
7. Hence, we do not find any reason to bypass the bar under Section 37 of the NDPS Act.
8. Accordingly, we are not inclined to grant bail at this stage.
9. Hence, CRM (NDPS) 368 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)