

18.10.2024
Sl. No.1
PP/BM

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
(From the Principal Bench)
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(NDPS) 460 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 (presently under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) in connection with NDPS Case No.63 of 2004 arising out of Sitai Police Station Case No.189 of 2024 dated 20.09.2024 under section 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances (in short, NDPS) Act.

And

In the Matter of : Rahul Miah

.... petitioner.

Mr. Anirban Banerjee

.....For the petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

.....For the State.

1. The petitioner was apprehended by the personnel of Border Security Force (in short, BSF) within Sitai Police Station with Ganja, the total quantity whereof is about 8 kgs. on 19th September, 2024 at about 20:00 hours. A written complaint was lodged at Sitai Police Station pursuant which a First Information Report (FIR) was registered leading to Sitai Police Station Case No.189 of 2024.
2. After considering the materials on record as also the case diary, we do not find any merit in this application to

enlarge the petitioner on bail, although the petitioner says that the quantity of contraband recovered is less than the commercial quantity for which the provisions of Section 37 of NDPS Act does not apply.

3. We are also persuaded not to enlarge the petitioner on bail since he was apprehended at the border and there is every likelihood that the petitioner on being enlarged on bail may abscond, which will cause detriment to the investigation. As the incident occurred only on 19th September, 2024, the investigation is also at the nascent stage and the petitioner cannot complain of delay in judicial adjudication.
4. In the aforesaid facts and circumstances, the bail application being CRM (NDPS) 460 of 2024 is thus rejected.

(Supratim Bhattacharya, J.) (Arindam Mukherjee, J.)