

30. 24.02.2025.
Court
No.26 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1819 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kaliganj** Police Station Case No.**90/2024** dated **23.01.2024** under Section **21(C)** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Abdul Motin Mallick.**

...petitioner.

Mr. Soumyajit Das Magapatra,
Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

...for the petitioner.

Mr. Soumik Ganguly,
Ms. Chandreyi Dutta

...for the State.

1. Petitioner prays for bail on the ground of non-compliance of Section 50 of the NDPS Act, 1985.
2. Commercial quantity of narcotics was seized from the possession of the petitioner.
3. Charges as against the petitioner stands framed.
4. As to whether the so-called non-compliance of Section 50 of the NDPS Act, 1985 is fatal to the case of prosecution or not may be decided at the trial.

5. We are not in a position to arrive at the finding on the basis of the materials on records that, the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
6. Consequently, we are not inclined to grant bail to the petitioner.
7. The prayer for bail is, thus, **rejected**.
8. CRM (NDPS) 1819 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)