

43. 16.01.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1932 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 Hili Police Station Case No. 167/2023 dated 15.9.2023.

And

In the matter of: - **Shankar Sarkar @ Sankar Sarkar** ...petitioner.
Mr. Kaushik Choudhury ...for the petitioner.
Mr. Ranabir Roychowdhury
Ms. Purnima Ghosh ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has no connection with the alleged contraband items. He has been implicated on the basis of statement made by a co-accused person which is inadmissible in law. He is in custody for 100 days. A co-accused person by the name of Mithun Mandal @ Firdos Mandal, has been granted bail by a co-ordinate Bench. He prays for bail.
2. Opposing the prayer for bail, learned State Advocate draws our attention to the material in the case diary. Commercial quantity of codeine phosphate was seized from the house of one Tinku. CDRs show numerous phone calls exchanged between this petitioner and Tinku at or around the relevant point of time.

3. Therefore, we find that this petitioner does not stand on the same footing as Mithun Mandal @ Firdos Mandal, who has been enlarged on bail. We further see that three witnesses have already been examined. Hence, it cannot also be said that there is any delay in progress of trial.
4. In view of the aforesaid and in view of commercial quantity of contraband being involved, and there being *prima facie* incriminating material against the petitioner and the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to allow the petitioner's prayer for bail. The prayer for bail is rejected.
5. The application being CRM (NDPS) 1932 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)