

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

19.08.2019.
15.
as
(Rejected)

C.R.M. 632 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.07.2019 in connection with N.D.P.S. Case No.39 of 2018 arising out of Pradhan Nagar P.S. Case No.503 of 2018 dated 17.09.2018 under Sections 20(ii)(c) of the N. D. P. S. Act.

In the matter of : Shyamal Dey & Anr.

... Petitioners.

Mr. Biprajit Das.

...for the Petitioners.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

...for the NCB.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that two bags allegedly containing 10 kgs. and 16 kgs. of ganja were recovered separately. However, the prosecution has clubbed the recoveries and the chemical report does not tally with the seizure in question.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner and the co-accused person were dealing in narcotic substance above commercial quantity i.e. 26.4 kgs. of ganja.

We have considered the materials on record. We note that the alleged recoveries were conjointly made. In view of the total

quantity of narcotic substance recovered i.e. 26.4 kgs. of ganja which is above commercial quantity and as the argument with regard to variation in the Chemical Examiner's report is a question of fact which requires to be thrashed out in the course of trial, we are of the opinion that in view of the gravity of the offence this is not a fit case to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is directed to take prompt steps for considering the issue of framing of charge and in the event the charge is framed, to take the proceeding to its logical conclusion at an early date without granting unnecessary adjournment to either of the parties.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)