

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

21.08.2019.
14
as
(Rejected)

C.R.M. 684 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 01.08.2019 in connection with N.D.P.S. Case No.21 of 2018 arising out of New Jalpaiguri P. S. Case No.439 of 2018 dated 20.06.2018 under Sections 21(c)/22 (c) of the N. D. P. S. Act,nd charge sheet submitted under Sections 20(b)(ii)(c)/22 (c) of the N. D. P. S. Act.

In the matter of : Ajay Ray.

... Petitioner.

Mr. Dilip Roy.

...for the Petitioner.

Mr. Nilay Chakraborty, Sr. Adv.,
Mr. Tapan Bhattachrjee.

.....for the State.

Heard the learned Advocates appearing for the parties.

Investigating officer is personally present in Court and submits oral explanation which is accepted. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession. It is further submitted that he has been falsely implicated in the instant case and such fact has been communicated to the superior police officer. It is also submitted that he is in custody for more than a year.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner was arrested

along with narcotic substance above commercial quantity i.e.24.163 kgs. of ganja. Trial has already commenced.

Having considered the materials on record and bearing in mind the prima facie involvement of the petitioner in dealing in narcotic substance above commercial quantity and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act and as trial has commenced, we are not inclined to grant bail to the petitioner.

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

Trial court is, however, directed to conduct the trial on a day to day basis and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)