

20.04.2021

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AN/ Ct. No. 1

Circuit Bench of Calcutta High Court at Jalpaiguri

C.R.M. 369 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kotwali Police Station Case No. 357/2020 dated 07.06.2020 for alleged offence punishable under sections 20(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Hajikul Sk. & anr.** **... Petitioners.**

Mr. Anirban Banerjee

... for the Petitioner.

Mr. Aditi Shankar Chakraborty, learned Additional Public Prosecutor
Mr. Biswarup Roy

... for the State.

The present application under Section 439 of the Code of Criminal Procedure, 1973 filed at the instance of **Hajikul Sk. & anr.** is taken up for hearing and order.

It is submitted on behalf of the petitioner that the petitioner is in custody for 317 days.

The learned counsel appearing for the State refers to the case diary and opposes the prayer for bail.

It appears from the case diary that the narcotic drugs above commercial quantity was recovered from the truck which was occupied by the petitioners and it can prima facie be held that the petitioners were in conscious possession of the narcotic drugs.

It is further submitted that extension of time for submission of charge sheet was allowed by the trial court till 5th May, 2021.

In view of the statutory restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, prayer for bail is **rejected**.

CRM 369 of 2021 is disposed of.

(**Arindam Sinha, J.**)

(**Suvra Ghosh, J.**)