

01.07.2021

Court No.28
Item No.13
(REJECTED)

Saswata
&
ab

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 680 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Tufanganj Police Station Case No. 364 of 2020, dated 31.08.2020 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substance Act.

And

In the matter of : **Rashidul Islam & Anr.**

...Petitioners

Mr. Hillol Saha Podder.

...For the Petitioners

**Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee.**

...For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

690 bottles of phensedyl were recovered from the joint possession of the petitioners and the petitioners are in custody for nearly 323 days.

A plea has been taken that despite the submission of the charge-sheet, the trial has not commenced and, therefore, the petitioners should be released on bail.

After hearing the respective counsels and on perusal of the materials annexed to the instant application and the fact that the commercial quantity of contraband was recovered from the possession of the petitioners, we do not think that it is a fit case where the petitioners should be released on bail in view of the embargo created

under Section 37 of the Narcotic Drugs and Psychotropic Substance Act.

CRM 680 of 2021 is rejected accordingly.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)