

09.08.2021
Item no.1.
Court No.32.
AB
(Rejected)

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

(Via Video Conference)

CRM No. 744 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2021 in connection with New Jalpaiguri Police Station Case No.787 of 2020 Dated 11.7.2020 under Sections 20(b)(ii)(c)/23(c) of the NDPS Act

And

In the matter of : Khakon Adhikary @ Bhobor & Others

.....Petitioners.

Mr. Sudip Guhafor the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswasfor the State.

The petitioners are four out of five accused persons. The charge is under the provisions of the NDPS Act, 1985.

The petitioners say that one of the co-accused persons has been granted interim bail and they stand on the same footing. They should be favoured with an order of bail as well.

Learned Advocate for the State submits that the accused person was granted interim bail due to the demise of his father. However, even though the bail period has expired, he has not surrendered.

It is not in dispute that commercial quantity of contraband (52 kilograms of ganja) was recovered from the possession of the petitioners. It is submitted that charge sheet has been filed. However, in view of the statutory restriction in Section 37 of the NDPS Act, we are not inclined to entertain the prayer of the petitioners.

The prayer for bail is, accordingly, rejected.

We, however, request the learned Trial Court to expedite the trial and bring the same to its conclusion as soon as the business of the Court may permit.

C.R.M. No.744 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)