

01.03.2022
Court No.01
Item No. 28
Saswata
(rejected)

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

**CRM (NDPS) 42 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 718 of 2021 dated 14.07.2021 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

And

In Re: **Fatizul Sk. @ Fatizul & Anr.**

Petitioners

Mr. Hillol Saha Podder
Mr. Sayantan Bhowmick
Ms. Mousumi Das

For the Petitioners

Mr. Abhijit Sarkar
Mr. Saikat Chatterjee

For the State

The petitioners are seeking bail in connection with Kotwali Police Station Case No. 718 of 2021 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

The petitioners have been apprehended in connection with the aforementioned case having allegedly possessed the contraband above the commercial quantity and in languishing in custody since 229 days. Charge sheet has already been submitted but charges have not been framed as yet.

Since, the commercial quantity of contraband is allegedly recovered from the joint possession of the petitioners we do not find any ground to take an exception to Section 37 of the NDPS Act.

In view of the embargo created under the aforesaid provision, the prayer for bail is *rejected*.

However, we request the Learned Judge of the Special Court to take up the matter and expedite the trial of the case so that it can be brought to its logical end as expeditiously as possible.

The application for bail being CRM (NDPS) 42 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)