

01.03.2022
Court No.01
Item No. 31
Saswata
(rejected)

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

**CRM (NDPS) 44 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with NCB Crime No. 44/NCB/KOL/2018 dated 25.08.2018 under Sections 8(c)/20(b)(ii)(C)/29 of the NDPS Act.

And

In Re: **Jahangir Ali**

Petitioner

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

For the Petitioner

Mr. Sudipto Majumder, Ld. ASG
Mr. Ratan Banik

For the NCB

The petitioner is seeking bail in connection with NCB Crime No. 44/NCB/KOL/2018 under Sections 8(c)/20(b)(ii)(C)/29 of the NDPS Act.

The petitioner has been apprehended in connection with the aforementioned case having allegedly possessed the contraband (*ganja*) above commercial quantity along with other co accused. It appears that the petitioner was driving a truck along with the other co accused (*khalasi*). The said truck was intercepted and the alleged contraband was recovered therefrom and the petitioner is languishing in jail for more than 3 years.

Our attention is drawn to the fact that the date for recording the first witness has been fixed on 07/03/2022. Since the trial has virtually begun, we do not think that embargo under Section 37 of the NDPS Act can be lifted at this stage.

The prayer for bail is, thus, *rejected*.

However, we find that date was fixed for recording the evidence of first witness only. We, therefore, direct the learned Judge of the Special Court to take up the matter on the said date when the said witness would be produced and shall, thereafter, proceed with the trial of the case following the mandate given under Section 309 of the NDPS Act.

The application for bail being CRM (NDPS) 44 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)