

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

02.05.2022  
Court No.01  
Item No.34  
Avijit Mitra

**CRM (NDPS) 102 of 2022**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Boxirhat Police Station Case No.253 of 2021 dated 10.08.2021 under Sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

**In Re: Naresh Barman & anr.**

...Petitioners

Mr. Hillol Saha Poddar

....For the petitioners

Mr. Aditi Shankar Chakraborty,  
Mr. Sourav Ganguly

...For the State

Mr. Poddar, learned advocate appearing for the petitioners submits that the petitioners are innocent and they have been falsely implicated. There is no independent witness in the seizure list. The petitioners have suffered long incarceration for about 291 days and there is also no possibility towards early conclusion of the trial in the near future. In view thereof, the petitioners may be enlarged on bail on any stringent condition.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and submits that 27 kgs 800 grams of ganja was recovered from the possession of the petitioners and they are directly involved in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the fact that contraband substance above commercial quantity was recovered from the

possession of the petitioners, we are of the opinion that the rigors of Section 37 of the NDPS Act is clearly attracted and as such, the petitioners' prayer for bail is refused at this stage. The discrepancy as pointed out on behalf of the petitioner would be analysed at the stage of trial and such discrepancy alone is not sufficient for this Court to come to the conclusion that the entire prosecution is false, at this stage.

Mr. Poddar, however expresses his anguish and inconvenience, as regards the delay in the progress of the trial.

We take notice of such issue and request the learned court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties, so that logical conclusion of the case may be reached at the earliest.

With the above observations, the application for bail being CRM (NDPS) No.102 of 2022 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)**