

02.06.2022  
(Vacation)  
SL No.1  
Ct. 5  
Saswata  
(Rejected)

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**CRM (NDPS) 176 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Alipurduar Jn. GRPS Police Station case no. 4 of 2021** dated **29.07.2021** under Sections **20(b)(ii)(c)** of the **Narcotic Drugs and Psychotropic Substances Act.**

And

In the matter of: **Pawan Baheti**

....Petitioner

Mr. Debapratim Guha

Ms. Anchita Sarkar

...for the Petitioner

Mr. Nilay Chakraborty

Mr. Biswarup Roy

...for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody for about 323 days. Although it was alleged that 22.48 kgs of *ganja* was seized from the present petitioner, on the same day and at the same place of occurrence other seizures were effected from the co accused. From one co accused 5.25 kgs of *ganja* was recovered and from the other accused 10.39 kgs of *ganja* was recovered. One wonders how such segregation could be made since the seizure was made from the same place at the same time. By taking advantage of seizure of such smaller quantity of *ganja*, the other two accused could obtain bail. A charge sheet has already been submitted in this regard.

Learned counsel for the State submits that grant of bail to the two other accused would not help the petitioner in any way

because a commercial quantity of contraband was seized independently from the present petitioner. If the entire quantity of contraband is shown to have been seized from the joint possession of the three, the quantity would only go up.

We have heard the learned counsel appearing on behalf of the parties and have perused the case diary.

Considering the alleged complicity of the present petitioner and in view of the restriction contained in Section 37 of the NDPS Act, the petitioner's application for bail is rejected at this stage.

However, the learned Judge, Special Court under NDPS Act, Jalpaiguri is requested to expedite the proceeding.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

**(Jay Sengupta, J.)**

**(Sugato Majumdar, J .)**