

03.01.2022
Item no.16.
Court No.1.
AB
(Rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1114 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.1032 of 20 Dated 28.9.20 under Sections 17 (C) /23 (C) /21 (C) of the NDPS Act

And

**In the matter of: Md. Aktarul Haque
@ Ekhtarul Haque & Anr.**

.....Petitioners.

Ms. Sidhi Sethiafor the Petitioners.

Mr. A. S. Chakraborty, Id. APP
Mr. Sourav Ganguly.....for the State.

The petitioners have been charged with offences punishable under the provisions of NDPS Act, 1985. There is not much dispute that 1200 grams of brown sugar was recovered from the joint possession of the petitioners. Such quantity is much beyond commercial quantity.

The petitioners say that there are some discrepancies in the method adopted by the Investigating Authority in sending the samples for forensic test. We are of the view that such discrepancies, if any, may be raised before the Trial Court at the time of trial.

In view of commercial quantity of contraband being involved, the restrictions in Section 37 of the NDPS Act are attracted. We are not inclined to grant bail to the petitioners.

C.R.M. No. 1114 of 2021 is, accordingly, dismissed.

However, in view of the fact that the petitioners have been in custody for about 427 days, we request the learned Trial Court to expedite the trial to the extent possible and bring the same to an early conclusion.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)