

D/L. 54
February 3, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 29 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2023 in connection with C.R.(NDPS) Case No. 171 of 2021 arising out of Siliguri Police Station Case No. 1324 of 2021 dated 14.11.2021 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Surojit Das @ Surajit Das

.... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. A. S. Chakraborty,
Mr. Arjun Chowdhury

... for the State

Learned counsel for the petitioner contends that the petitioner is in custody for 430 days. That apart, it is argued that the principal witness in the case is a stock witness of the prosecution who is used as witness in most other cases. Learned counsel submits that the date of conclusion of the trial is uncertain in view of the number of witnesses still to be examined.

As such, the petitioner prays for bail.

Learned counsel appearing for the State vehemently opposes the prayer of bail and submits that the presumption of Section 37 of the NDPS Act operates in full strength. Moreover, apart from the due compliance of all legal provisions by the authorities, the quantum of contraband article, that is, Ganja, recovered in this case is about

22kgs and 100 gms., is recovered from the person of the petitioner and the other accused.

As such, it is submitted that the bail ought not to be granted to the petitioner.

Upon careful consideration of the submissions of the parties and despite the petitioner being in custody for quite some time and charge-sheet having been filed, we are of the opinion that there are alleviating factors to mitigate the rigour of Section 37 of the NDPS Act in this case.

As such, we dismiss the application for bail, being CRM (NDPS) 29 of 2023 accordingly.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)