

D/L. 51
February 7, 2023
MNS

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

CRM (NDPS) 63 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with N.D.P.S. Case No. 75 of 2021 arising out of Bhaktinagar Police Station Case No. 1121 of 2021 dated 27.08.2021 for the alleged offence punishable under Sections 21(b)/22(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 subsequently Charge Sheet submitted vide Charge Sheet No. 121 of 2022 dated 07.02.2022 for the alleged offence punishable under Sections 21(b)/22(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Amlan Dutta and others

.... Petitioners

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

... for the petitioners

Mr. A. S. Chakraborty,
Mr. Aniruddha Biswas

... for the State.

Learned counsel for the petitioners submits that the CSFL report has not yet been submitted to the best of the knowledge of the petitioners. That apart, the petitioners are in custody for about one year, five months and ten days.

Learned counsel appearing for the State opposes the prayer for bail and submits that, in the meantime, the CFSL report has been collected and furnished on December 12, 2022. The next date of trial has already been fixed.

Upon hearing learned counsel for the parties, we do not see any reason to override the presumption as cast under Section 37 of the NDPS Act in the present case.

Accordingly, CRM (NDPS) 63 of 2023 is dismissed.

It is expected that the trial shall be expedited and concluded preferably within one year from date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)