

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri
Appellate Side**

28.02.2023
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rejected

C.R.M. (NDPS) No. 106 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdogra Police Station Case No. 524 of 2021 dated 02.11.2021 under Section 21(c) of the NDPS Act.

And

In Re : Md. Washim Sk. & Ors. petitioners

Mr. Somraj Paul

... for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Nag

... for the State

Learned Counsel for the petitioners submits they are in custody since 2021. It is also submitted no narcotics was seized from their possession. There is no signature of the petitioner or witnesses in the arrest memorandum. There is slow progress in trial.

Learned Counsel for the State opposes the prayer for bail and submits recovery was made from the joint possession of petitioners and co-accuseds. Their signatures appear in the seizure memorandum. Trial is in progress.

We have considered the materials on record. Statements of the witnesses and seizure memorandum show recovery of 260 grams of Heroin from the joint possession of the petitioners and

co-accuseds. Their signatures appear on the seizure memorandum. Independent witnesses also joined the search. Trial is in progress. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)