

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023
32.
as
(Rejected)

C.R.M. (NDPS) 159 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 71 of 2020 arising out of Matigara P.S. Case No.1086 of 2020 dated 22.10.2020 under Section 17C/23C of the NDPS Act.

In the matter of : Oshidur Seikh. ... Petitioner.

Mr. S. Das.

...for the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das.

...for the State.

Petitioner is in custody for more than two years. It is contended there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits charge has already been framed. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 2 kgs. of heroin from a vehicle which was in control and custody of the petitioner.

In view of the aforesaid circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Charge has already been framed and date has been fixed for recording evidence. We request the trial court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)