

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

27.02.2023
44.
as
(Rejected)

C.R.M. (NDPS) 174 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No. 70 of 2020 arising out of Siliguri P.S. Case No.1318 of 2020 dated 25.10.2020 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Md. Sayim.

... Petitioner.

Mr. Biprajit Das.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Biswarup Roy.

...for the State.

Petitioner is in custody for more than two years. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Co-accuseds viz., Md. Noor Alam was granted bail on the ground that he was suffering from ailments and Khairul Nesha was a lady. Petitioner's case is clearly different from the co-accuseds who are on bail. Trial is in progress. There are materials showing recovery of narcotics from petitioner and co-accuseds.

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 petitioner.

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

Trial court is requested to expedite the trial and conclude the same at an early date 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.)