

27.02.2023

nb
Court -I
sl no. 71

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

C.R.M. (NDPS) 203 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhaktinagar PS case no. 151 of 2021 dated 13.2.2021 under section 20(b)(ii)(c) of the NDPS Act

And

In Re Priyajit Roy & Anr petitioners
Mr. Sudip Guha, for the petitioners
Mr. Kallol Acharjee,
Mr. Subhasish Misra, for the State

Petitioners are in custody for more than two years. They submit that there is a variation in weight of the sample drawn and the one examined in the laboratory. He prays for bail.

Learned advocate for the State submits that trial is in progress.

We have considered the materials on record. Statements of witnesses and seizure memorandum show recovery of narcotics above commercial quantity from the petitioner. Bail prayer of the petitioners were rejected earlier on merits.

Alleged variation in the weight of sample drawn and the one examined at the laboratory requires to be tested during the trial. Trial is in progress.

Accordingly, prayer for bail is rejected.

Trial court is requested to complete the trial as early as possible preferable one year from the next date fixed for recording evidence without grating unnecessary adjournment to either of the parties.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)