

09.03.2023

Sl. No.5

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 221 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.02.2023 in connection with Phanshidewa Police Station Case No.272 of 2021 dated 19.06.2021 under Section 15(c) of the NDPS Act. (NDPS Case No.63 of 2021)

And

In Re: ***Billal Sekh***

... .. Petitioner

Mr. Deborshi Dhar

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Sourav Ganguly

... .. for the State

It is submitted on behalf of the petitioner that he is suffering from ailments. He prays for bail on such ground.

Report of Siliguri Special Correctional Home is placed on record. From the report it appears petitioner is suffering from Type-2 Diabetes Mellitus with suspected Diabetic Neuropathy & Ischemic Heart Disease. He was given institutional treatment at North Bengal Medical College & Hospital with effect from 15.01.2023 to 24.01.2023 and 11.02.2023 to 15.02.2023. Presently, he is in the correctional home and adequate oral medication is being provided.

Under such circumstances, we are constrained to hold that the physical ailments of the petitioner are not of such nature which would require institutional treatment. Hence, we are not inclined to release him on bail on this score.

On merits, we note statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of

narcotic substance i.e. 188 kgs. of *poppy straw*, which is above commercial quantity from a vehicle wherein petitioner was present. Trial is in progress. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus **rejected**.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)