

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

28.02.2023
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sdas
rejected

C.R.M. (NDPS) No. 229 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Phasidewa Police Station Case No. 570 of 2020 dated 10.12.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Shainur Bibi @ Sainur Bibi & Anr. petitioners

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Tapan Bhattacharjee
Mr. Kallol Nag

... for the State

Learned Counsel for the petitioners submits they are in custody for over two years. It is also submitted they have been falsely implicated. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Recovery is the tune of 63.700kgs. of Ganja from the joint possession of the petitioners when they were travelling in a bus. 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.)