

01.03.2023

Sl. No.26

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 235 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2023 in connection with Matigara Police Station Case No.1071 of 2021 dated 21.09.2021 under Section 21(c) of the NDPS Act. (NDPS Case No.132 of 2021)

And

In Re: ***Bapi Singha @ Bappi Singha & Anr.***

... .. Petitioners

Mr. Sudip Kr. Paul

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Kallol Nag

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than a year. It is further submitted there is inordinate delay in trial.

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

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics i.e. 265 gms. of *Brown Sugar* and 22 bottles of *cough syrup* containing *codeine phosphate*, which is above commercial quantity from the possession of the petitioners. Under such circumstances and in view of the 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.)

