

06.06.2023
Court No.01
Item No. 3
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 479 of 2021
CRAN 1 of 2021**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 118 of 2020 dated 12.02.2020 under section 17(c)/20(b)(ii)/21(c)/25/29 of the NDPS Act.

And

In Re: **Sohanlal Bishnoi @ Sohonlal Hariram Bishnoi @ Sohanlal Hariram Bishnoy & Anr.**

Petitioners

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

For the Petitioners

Mr. Aditi Shankar Chakraborty, Ld APP
Mr. Sourav Ganguly

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and are in custody over three years without any possibility of trial being commenced in near future. It is submitted that the charges have been framed in April, 2023 although they were arrested on 12th February, 2020. The learned Counsel has relied upon an order passed by the coordinate Bench on 3rd March, 2023 in CRM (NDPS) No. 242 of 2023 where due to long detention and chance of concluding the trial in near future being found to be bleak, bail was granted.

The learned Counsel for the prosecution has opposed the prayer for bail and submits that FSL report would show that the substance recovered from the petitioner are narcotic substance and are above the commercial quantity. It is

further submitted that the petitioners have criminal antecedents and the report to that effect has been placed before us.

Considering the fact that the narcotic substance over commercial quantity has been recovered from the petitioners and the petitioners have criminal antecedents although there is some delay in framing the charges, we are not inclined to grant bail to the petitioners at this stage.

However, having regard to the period of detention suffered, we direct the learned Judge, Special Court under NDPS Act, Jalpaiguri to expedite the trial and strictly comply with Section 309 of the Code of Criminal Procedure.

The application for bail of the petitioner is rejected. CRM 479 of 2021 is accordingly, disposed of.

CRAN 1 of 2021 also stands disposed of.

The status report filed in court is kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)