

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

05.04.2023
Court No.1
(D/L 29)
(rejected)

CRM (NDPS) 270 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 29.03.2023 in connection with Kotwali Police Station Case No.409 of 2022 dated 25.06.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act corresponding to NDPS Case No.84 of 2022.

And

In the matter of: **Tapan Paul & Anr.**

... Petitioners.

Mr. Sudhindra Das

... for the petitioners.

Mr. Aditi Shankar Chakraborty, APP
Mr. Sourav Ganguly

... for the State.

Learned counsel appearing for the petitioners has prayed for bail of the accused Tapan Paul and Uttam Das. One of the grounds being that the co-accused have been granted bail by a Coordinate Bench of this Court.

We have gone through the orders relied upon, passed by the Coordinate Bench and also the materials in the case diary. The seizure list at page 14 of the case diary is very clear that a quantity of 108.587 kgs (commercial quantity) ganja was seized from the direct possession of the petitioners herein.

Accused Chandan Barman was granted bail on the ground that there was no direct recovery from his possession and accused Reshma

Debnath was granted bail on one of the grounds being that she is a woman accused. Regarding the other observations of the Coordinate Bench, they are subject matter of trial and this Court is not in a position to consider the said facts at the stage of considering the prayer for bail.

Considering the huge recovery of narcotic substance from the present petitioners, we are not inclined to grant bail to the accused petitioners at this stage.

The application for bail is, accordingly, rejected.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)