

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

12.04.2023
Court No.1
(D/L 36)
(rejected)

CRM (NDPS) 282 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 05.04.2023 in connection with Siliguri Police Station Case No.1343 of 2021 dated 21.11.2021 under Section 21(c)/22(c) of the NDPS Act, 1985 corresponding to CR(NDPS) case no.176 of 2021.

And

In the matter of: **Subhajit Kar @ Hassy**

... Petitioner.

Mr. Arunava Paul

... for the petitioner.

Mr. Abhijit Sarkar
Mr. Shiman Sil

... for the State.

The learned counsel for the petitioner prays for bail on the ground that there is lot of discrepancy regarding arrest of the present petitioner in the case under NDPS Act and another case under Section 379 of Indian Penal Code.

We have gone through the records and heard learned public prosecutor and the petitioner in Court.

From the materials on record, it is evident that the present case being Siliguri Police Station Case No.1343 of 2021 is dated 21.11.2021 under Section 21(c)/22(c) of the NDPS Act. The present petitioner was arrested on 21.11.2021 and was in custody. A prayer was made by ASI Subir Sen on 29.11.2021 before the learned ACJM, Siliguri, praying

for shown arrest of the accused/petitioner therein in another case being Siliguri P.S. Case No.1335 of 2021 dated 19.11.2021 under Section 379 of the Indian Penal Code.

We do not find any irregularity in the process of arrests in both the cases.

The petitioner was shown arrest in Siliguri P.S. Case No.1335 of 2021 which allegedly occurred on 19.11.2021. The present case is dated 21.11.2021 and he was arrested on the same date (i.e. 21.11.2021). So it is clear that on 19.11.2021 the present petitioner was not in custody.

Considering all these facts and the nature of case and that the trial has already commenced, we are not inclined to grant bail at this stage.

The application for bail is, thus, rejected.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)