

06.06.2023
SL No.8
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 286 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Pradhanagar Police Station Case No.916/2021 dated 14/11/21 under Section 21(c)/22(c) of NDPS Act corresponding to C.R. NDPS Case No.170/2021.

And

In the matter of : **Nabin Ray**

- Petitioner.

Mr. Arnab Sengupta,
Mr. Deborshi Dhar
... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy
... For the State

It appears that on 31st August, 2022, the bail application was rejected with the following observation:-

"We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance i.e. 105 bottles of Rexdryl-TM Neo cough syrup which is above commercial quantity from the possession of the petitioner.

In view of the aforesaid incriminating materials on record and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner."

The petitioner does not disclose any change in circumstances for which we may review the earlier order of rejection. In view of

the fact that the trial has commenced, we request the learned Judge, Special Court, Under NDPS Act, Siliguri to conclude the trial.

Accordingly, the application for bail is rejected and disposed of.

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.)