

06.06.2023  
SL No.9  
Court No.1  
(gc)  
(Rejected)

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

**CRM (NDPS) 292 of 2023**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Matigara P.S. Case No.196 of 2021 dated 20.03.2021 under Section 21(c) of the NDPS Act.

And

In the matter of : **Nejaul Sk.**

- Petitioner.

Mr. Arunava Paul

... For the Petitioner.

Mr. Abhijit Sarkar,

Mr. Tapan Bhattacharjee

... For the State

Having regard to the fact that the contraband items over commercial quantity were recovered from the petitioner, we are not inclined to grant bail to the petitioner at this stage.

However, having regard to the fact that the petitioner is in custody for over two years and it is submitted on behalf of the petitioner that not a single witness has been examined till date, although it appears from the order dated 29.09.2021 that 30.11.2021 was fixed for evidence of C.S.W. No.1, we request the learned Judge, Special Court (N.D.P.S. Act), 2<sup>nd</sup> Court at Siliguri to proceed with the trial in strict compliance of Section 309 of the Cr.P.C.

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.)**