

06.06.2023  
Court No.01  
Item No. 19  
**Rejected**

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

sg

**CRM (NDPS) 328 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhannagar Police Station Case No. 167 of 2021 dated 21.03.2021 under section 21(c)/22(c) of the NDPS Act.

And

In Re: **Shiv Kumar**

Petitioner

Mr. Arunava Paul

For the Petitioner

Mr. Abhijit Sarkar  
Mr. Saikat Chatterjee

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and is in custody for 744 days.

The learned Counsel for the prosecution, however, opposes the prayer for bail. It is submitted that the commercial quantity of Methamphetamine and Caffeine had been recovered from the custody of the petitioner and the FSL report has been filed. It is further submitted that the trial has commenced and PW-1 has been examined. It is further submitted that initial bail was caused due to the co-accused persons absconding after the bail was granted to them.

On considering of the materials on record and the seizure memo show recovery of narcotic substance above commercial quantity and the FSL report suggesting the substance of narcotic and also having regard to the fact that the trial has commenced, we are not inclined to release the petitioner on bail.

The application for bail of the petitioner is rejected. CRM (NDPS) 328 of 2023 is accordingly, disposed of.

However, we request the learned Judge, Special Court under NDPS Act, Siliguri to expedite the trial and strictly follow Section 309 of the Code of Criminal Procedure.

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)**