

05.6.2023

Court No.01

Item No. 67

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Rejected

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

CRM (NDPS) 333 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 1125 of 2020 dated 25.8.2020 under Sections 20(b)(ii)(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: Jyotin Barman & Ors.

.... Petitioners

Mr. Arunava Paul

...

For the Petitioners

Ms. Aditi Shankar Chakraborty

Mr. Subhasish Misra

...

For the State

Heard the learned counsel appearing for the parties.

This is the second application for renewal of prayer for bail. The earlier application was rejected on 10th August, 2022 where a coordinate bench observed that the petitioner was found to be in possession of 58.800kgs of ganja, which is prohibited substance and beyond the commercial quantity.

Under such circumstances, the presumption under Section 37 of the NDPS Act has not been rebutted.

Accordingly, the prayer for bail of the petitioner is rejected. CRM 333 of 2023 is accordingly disposed of.

Learned counsel for the petitioner submits that the trial has not commenced and not a single witness has been examined.

In the event the charges are framed, we request the learned trial court to invoke the power under Section 309 of the Code of Criminal Procedure and proceed with the trial as early as possible.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)