

05.06.2023
SL No.71
Court No.1
(gc)
(Rejected)

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

CRM (NDPS) 337 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No.524 of 2021 dated 02.11.2021 under Section 21(c) of the NDPS Act.

And

In the matter of : **Md. Washim Sk. & Ors.**

- Petitioners.

Mr. Somraj Paul

... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Arjun Chowdhury,

... For the State

We have heard the learned Counsel for the parties.

In this application, the petitioners have renewed its prayer for bail. The bail application was rejected on 28th February, 2023. It is submitted on behalf of the petitioners that there is no signature of the petitioner or witnesses in the arrest memorandum and there is no progress in trial. This issue was taken into consideration by the Coordinate Bench in rejecting the prayer of the petitioners. The relevant observation in this regard is:-

“We have considered materials on record. Statements of the witnesses and seizure memorandum show recovery of 260 grams of Heroin from the joint possession of the petitioners and co-accuseds. Their signatures appear on the seizure memorandum. Independent witnesses also joined the search.

Trial is in progress. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.”

There is no change of circumstances for which we may revisit the issue.

Accordingly, the prayer for bail is, thus, rejected.

However, we direct the Trial Court to expedite the trial.

Accordingly, the application for bail stands 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.)