

06.06.2023
SL No.28
Court No.1
(gc)
(Rejected)

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

CRM (NDPS) 343 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kharibari Police Station Case No.2 of 2021 dated 02.01.2021 under Sections 21(c)/22(c) of the NDPS Act.

And

In the matter of : **Jagat Lakhandri**

- Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P,
Mr. Sourav Ganguly
... For the State.

The learned Counsel for the petitioner submits that the petitioner is in custody since 2nd January, 2020 and the P.W.2 and 3, independent witnesses have taken hostile. It is submitted that there is also non-compliance of Section 50 of the NDPS Act and there is every possibility of acquittal of the petitioner.

The learned Counsel for the State, however, opposes the prayer for bail. It is submitted that narcotic substances over commercial quantity have been recovered from the joint possession of three accused persons and the trial has substantially progressed. It is submitted that out of 15 witnesses, 9 witnesses have already been examined.

In view of substantial progress in the trial and having regard to the fact that the prima facie narcotic substances above

commercial quantity have been recovered from the joint possession of the accused persons, we are not inclined to grant bail to the petitioner.

The compliance of Section 50 of the NDPS Act or any infraction thereof is a question of fact to be assessed at 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.)