

07.06.2023
Court No.01
Item No. 31
Rejected

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

sg

CRM (NDPS) 376 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 92 of 2022 dated 01.05.2022 under Section 22(C) of the NDPS Act.

And

In Re: **Sunil Tamang**

Petitioner

Mr. Kalipada Das

For the Petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

For the State

The petitioner is in custody for one year and one month. This is an application for bail. The statement of the witness and the contemporary document including the seizure list would show recovery of 17.61 kg of tramadol hydrochloride from the custody of the petitioner, which is above the commercial quantity. The charge-sheet has already been filed.

The learned counsel for the petitioner submits that it was recovered from the rented house without there being no agreement with the landlord.

However, this aspect need not be taken into consideration at this stage and its impact shall be considered during trial.

Under such circumstances and in view of the statutory restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

However, having regard to the fact that the charge sheet has been filed, we request the learned Trial Judge to frame the charges as expeditiously as possible and proceed with the trial by invoking Section 309 of the Code of Criminal Procedure.

The application for bail of the petitioner is rejected. CRM (NDPS) 376 of 2023 is accordingly, disposed of.

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)