

09.06.2023
Ct.No. 1
Item No. 24
Sb / Saswata
Rejected

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

C.R.M. (NDPS) 396 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kalimpong PS Case no.212 of 2022 dated 08.08.2022 under Section 22(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Chewang Tenzing Bhutia**

...petitioner

Mr. Pratap Khati
Mr. Ranjan Sharma
Mr. Avinash K.

...For the petitioner

Mr. Abhijit Sarkar
Mr. Biswarup Roy

....For the State

1. Learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. It is submitted that there is a discrepancy in sample and there has been a delay in sending the sample for FSL.
2. Learned Counsel for the State opposes the prayer for bail and submits that commercial quantity of contraband has been recovered from the possession of the petitioner.
3. Considering the materials available in the record and having regard to the fact that narcotic substance above commercial quantity has been recovered from the petitioner and also the fact that charge sheet has already

been filed and charges have already been framed, we are not inclined to grant bail to the petitioner.

4. The quality of defence raised by the petitioner with regard to non-compliance of Sections 52A and 55 of the Cr.P.C. are matters to be decided at the time of trial.
5. In view of the fact that charge sheet has already been framed, we request the Learned Trial Judge to conclude the trial as expeditiously as possible without granting any adjournments to either of the parties unless it is unavoidable.
6. The application for bail is accordingly **rejected**.
7. CRM (NDPS) 396 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)