

45. 05.07.2023
Court
No.1 Tanmoy Ghosh

Rejected

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (NDPS) 410 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **NDPS Case No. 80 of 2021** arising out of **New Jalpaiguri Police Station Case No. 1026 of 2021** dated **07.09.2021** under Sections **20(b)(ii)(c)** of the NDPS Act, 1985.

And

In the matter of: - **Mithun Gowala**

...petitioner.

Mr. Partha Pratim Sarkar, Adv.,
Mr. Sandip Guha Roy, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswas, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State at length.

On a perusal of the entire material in the case diary including the seizure list it appears that commercial quantity of contraband articles was seized from the possession of the present accused/petitioner.

Such being the position and in view of the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to exercise our discretion in favour of the present accused/petitioner and accordingly the prayer for bail is rejected.

However, considering the pendency of the caption mentioned case before the learned trial Court, the learned trial Court is requested to expedite the trial to the extent possible and bring the same to its logical conclusion as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

The application for bail being CRM (NDPS) 410 of 2023 is, accordingly disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)