

16.06.2023
Court No.1
Item No.34
Rejected

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

sg

CRM (NDPS) 411 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 368 of 2022 under Sections 21©/22(C) of NDPS Act.

And

In Re: **Dipankar Karmakar**

Petitioner

Mr. Arnab Saha

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and the prosecution case is highly improbable.
2. The learned Counsel for the State, in opposition the prayer for bail, has submitted that recovery has been made from the joint possession of three accused persons and charge-sheet has already been filed.
3. Considering the materials available in the case diary and the fact that the contraband items above commercial quantity appears to have been recovered from the custody of the three persons, one of which is the petitioner and in the view of the restriction under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. However, having regard to the fact that charge has not been frmaed, we request the learned Trial Court to positively framed frame the charge on the

date fixed and proceed with the trial after time schedule is prepared with regard to trial.

5. The learned District Additional Public Prosecutor is requested to ensure that the witnesses for the prosecution appear on the date to be fixed by the trial court and to facilitate expeditious disposal of the matter.
6. The application for bail is rejected. CRM (NDPS) 411 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)