

13.07.2023
Item no.23
Court No.1.
AB
(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) No.503 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Jalpaiguri Case No.598 of 2019 Dated 15.9.19 under Section 20(b)(ii)(C)/25/29 of the NDPS Act

And

In the matter of : Achinta Ganguly & Anr.

.....Petitioners.

Mr. Jagriti Mishra,
Mr. Naser Ali,
Mr. Subham Gupta,
Mr. Debayan Goswamifor the Petitioners.

Mr. A. S. Chakraborty, ld. APP,
Mr. Kallol Acharjee,
Mr. Kallol Nagfor the State.

Heard learned Advocate for the petitioners and learned Advocate for the State.

Drawing our attention to the order dated 4.1.23 passed in CRR 274 of 2022, it is contended on behalf of the petitioners that in spite of direction passed by a learned Single Judge of this Circuit Bench, the trial has not yet commenced though the present accused petitioners are in custody for 1396 days. It is contended that considering the long detention of the present accused petitioners, the instant application for bail may be considered favourably.

Learned Advocate for the State opposes the prayer for bail.

We have perused the entire material in the case diary. It appears that commercial quantity of contraband was seized from the possession of the accused petitioners. We are aware of the fact that before the learned Trial Court, cases are being delayed for many reasons, some time for no fault of the Presiding Officer of the concerned Court.

In view of the aforesaid and keeping in mind the restriction in Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioners.

The prayer for bail is rejected.

CRM (NDPS) No.503 of 2023 is dismissed.

However, considering the long detention of the present accused petitioners, learned Trial Court is hereby directed to adhere to the direction passed in the order dated 4.1.2023 in CRR 274 of 2022 in letter and spirit.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)