

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

22.08.2023
Court No.1
Item. 12
(Suvendu)

CRM(NDPS) 568 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Siliguri Police Station Case No. 1125 of 2020 dated 25.08.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In the matter of: Jyotin Barman & Ors.

.Petitioners

Mr. Arunava Paul

For the Petitioners

Mr. Abhijit Sarkar
Mr. Tapan Bhattacharjee

For the State

1. We have considered the fact of the four petitioners being involved in the alleged offence of being in possession of narcotic substance above commercial quantity. This also appears to be the third application for bail without the petitioners showing any subsequent event from second order of rejection of 5th June, 2023. The only defense taken is that the seized substance was sent for chemical analysis after twenty days from the date of the seizure..
2. We are of the view that this is a point which should be considered at the time of trial.

3. Learned counsel appearing for the prosecution submits that the learned NDPS Court at Siliguri is over burdened and that is the reason for fixing the next date on 20th November, 2023.

4. The prayer for bail is hence rejected.

5. Since the petitioners have been in custody for almost three years, we expect that the trial will be concluded as expeditiously as possible and preferably within six months from the communication of this order on the learned trial Court.

6. The petitioners shall be at liberty of seeking appropriate orders if there is undue delay in the trial.

7. CRM(NDPS) 568 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)