

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

21.08.2023
Court No.1
(D/L 05)
(AK)

CRM (NDPS) 572 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 10.08.2023 in connection with Pradhan Nagar Police Station Case No.575 of 2022 dated 30.07.2022 under Sections 21(b)/22(b) of N.D.P.S. Act, 1985.

And

In the matter of: **Pema Rai Tamang @ Prema Rai
@ Tamang**

... Petitioner.

Mr. P.K. Mittal
Mr. S.G. Roy

...for the petitioner.

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

... for the State.

Although an arguable case is made out by the petitioner of one of the seized substance falling below commercial quantity and the other not falling within the NDPS Act, the third item is above commercial quantity and consists of injections of narcotic substances.

We are of the view that this point may be taken into consideration at the time of trial.

The petitioner is in custody for about a year and the trial has already commenced as of 9th August, 2023. The next date has, however, been fixed on 18th December, 2023 and the court is informed that there are 14 witnesses to be examined.

We are, hence, of the view that although the point raised is a triable issue and should be considered by the learned NDPS Court, Siliguri, the petitioner's prayer for bail should be rejected. We, however, direct the learned Special Court to expedite the trial and make a serious attempt to conclude the same within eight months from date.

We make it clear that the petitioner shall be entitled to pray for appropriate orders if there is undue delay in the trial.

CRM (NDPS) 572 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)