

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

23.08.2023
Court No.1
(D/L 07)
(AK)

CRM (NDPS) 596 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 11.08.2023 in connection with Bagdogra Police Station Case No.05 of 2022 dated 02.01.2022 under Section 21(c) of N.D.P.S. Act, 1985.

And

In the matter of: **Tofajul Seikh**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

...for the petitioner.

Mr. Nilay Chakraborty
Mr. Sagnik Sankar Sikdar

... for the State.

Considering the fact that seven out of twelve witnesses have already been examined, we are of the view that the plea of the alleged delay in sending the seized items for chemical examination can be a point to be considered by the trial court.

We expect the trial court to take into account the argument made on behalf of the petitioner on the admitted delay in sending the seized substance for chemical examination.

We are, however, not inclined to grant the prayer for bail.

CRM (NDPS) 596 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)