

AD-61
Ct No.01
Jalpaiguri
12.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 655 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **18.08.2023** in connection with **Matigara** Police Station Case No. **144** of **2022** dated **28.01.2022** under Section **20(b)(ii)(c) of the** NDPS Act.

And

In the matter of: Zahid Khan @ Raju

.... petitioner

Mr. Arunabha Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner argues that the petitioner was framed in several charges of different nature.
2. Whereas allegations have been levelled against the petitioner, those are not credible, it is submitted. In the same night, it has been alleged that the petitioner was found with contraband articles beyond the commercial quantity and had committed burglary.
3. More incredibly, it is argued, the other passengers of the vehicle which was being driven by the petitioner when apprehended had allegedly fled.
4. Further, the petitioner is already in custody for more than one year and six months and seeks release on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner is a resident of Bihar and there is high opportunity of the petitioner fleeing the state of West Bengal in the event released on bail. It is argued that the petitioner was found with contraband articles beyond commercial quantity on the concerned day. Subsequently, the petitioner was also found to be guilty of burglary.
6. Whatever may be the worth of the petitioner's case on merits, it would be premature to enter the same at this juncture.
7. However, from the circumstances of the case, since the trial has already begun and keeping in view the fact that the petitioner might reasonably be apprehended to flee the State if enlarged on bail, we are not inclined to grant bail at this juncture.
8. Accordingly, CRM (NDPS) 655 of 2023 is dismissed. However, the Trial Court shall expeditiously dispose of the trial against the petitioner, preferably within six months from date.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)