

04.10.2023.

Item No. 28

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (NDPS) No. 695 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 05.09.2023 in connection with NCB Crime No. 08/NCB/KOL/2018 dated 08.02.2018 under Section 22(c) of the NDPS Act, 1985 corresponding to C.R. (NDPS) Case No. 06 of 2018.

And

In the matter of: **Hari Roy Chowdhury.** ...Petitioner

Mr. Mayank Roy,
Mr. Kuntal Samrat Malakar. ...For the petitioner

Mr. Sudipto Kumar Mazumder, DSGI,
Mr. Sudip Kumar Paul.For the NCB.

1. Supplementary affidavit and FSL report filed by the Counsel for the petitioner in Court today are taken on record.
2. The application for bail is made on the ground that the petitioner is in custody for more than six years.
3. It is argued that while the seizure list indicates 50 pink coloured tablets of Methamphetamine, the Forensic Science Laboratory report indicates 50 orange coloured tablets.
4. It is also submitted that the petitioner is suffering from a number of ailments and is on his death bed.
5. This Court notes that the change of colour between the seizure report and the FSL report, could be attributed

to various reasons and would not itself negate the existence of narcotic drugs.

6. The petitioner is in medical treatment under the North Bench Medical College and Hospital. He is, therefore, being taken care of medically by the State.

7. It is submitted by the NCB that four witnesses have already been examined and the matter is fixed on 11th and 12th October, 2023 for completion of examination of all the remaining witnesses.

8. In view of the facts as recorded above, this Court is not inclined to grant bail to the petitioner.

9. It is directed that the prosecution complete examination of all their remaining witnesses on two adjourned dates and trial itself shall be completed by pronouncement of judgment by 31st December, 2023.

10. C.R.M. (NDPS) No. 695 of 2023 shall stand disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)