

AD-18  
Ct No.01  
Jalpaiguri  
22.09.2023  
B.Pal

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

**CRM (NDPS) 759 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with New Jalpaiguri Police Station Case No. 137 of 2022 dated 02.02.2022, under Section 23(c) of the NDPS Act, 1985.

And

In the matter of: MD SHEKBUL HUSSAIN @ MD SHEKBUL HOSSAIN  
@ MD SEKHBUL HUSSAIN @ MD SEKBUL HUSSAIN

...Petitioner

Mr. Biswarup Roy,

... for the petitioner

Mr. Aditi Shankar Chakraborty,  
Mr. Sourav Ganguly,  
Mr. Anirudhya Biswas

... for the State

1. Learned counsel for the petitioner argues that a co-accused person was released on bail, although intermediate quantity was found from his person. 306 grams of heroin was found from the person of the petitioner as per the allegation of the prosecution. It is contended that since charges have not been framed, the conclusion of the trial is uncertain and the petitioner be released on bail.

2. Learned counsel for the State opposes the prayer for bail and submits that the co-accused person stands on a different footing inasmuch as only intermediate quantity was recovered from him whereas commercial quantity has been recovered from the present petitioner.
3. In such view of the matter, we are of the opinion that the rigours of Section 37 of the NDPS Act are squarely applicable to the petitioner.
4. Hence, we are not entitled to grant bail. Accordingly, CRM (NDPS) 759 of 2023 is dismissed.
5. It is expected that the trial shall be concluded at the earliest, preferably within one year from date.

**(Sabyasachi Bhattacharyya, J.)**

**(Uday Kumar, J.)**