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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (NDPS) 454 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Bagdogra Police Station Case No. 5 of 2022 dated 02.01.2022 under Section 21(c) of the NDPS Act.

In the matter of : Tofajul Seikh and another
... petitioners

Mr. Sudip Guha
...for the petitioners

Mr. Niloy Chakraborty,
Mr. Subhasish Mishra
.....for the State.

Heard learned counsel appearing for the parties.

The allegation against the petitioners is that about 500 grams of brown sugar was recovered from the possession of the petitioners and the co-accused.

It is submitted by learned counsel for the petitioners that the petitioners are in custody for about 400 days and charge sheet has been submitted. However, as yet, only one witness has been partly examined and the trial is being stalled due to the adjournments sought by the prosecution.

Learned counsel appearing for the State vehemently opposes the prayer for bail and submits that custodial trial is necessary in this case, particularly, in view of the fact that

the allegation against the petitioners is grievous and may affect the future of the entire young generation of the society.

Upon perusal of the materials on record and hearing learned counsel for the parties, we are of the opinion that custodial trial may be necessary in the present case.

As such, we do not find any reason to enlarge the petitioners on bail at the present juncture.

Accordingly, CRM (NDPS) 454 of 2022 is dismissed.

However, in view of long custody of the petitioners, the trial court is directed to expedite the trial and dispose it of as expeditiously as possible, preferably within one year from date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)