

25.04.2024
Court No.01
Item No. 43

Rejected

sg

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

CRM (NDPS) 78 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NJP Police Station Case No.126 of 2023 dated 16.02.2023 under section 21(c)/22(c)/25/29 of the NDPS Act.

And

In Re: **Md. Shajahan**

Petitioner

Mr. Supritam Nag

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas,

For the State

1. We have heard the learned Counsel for the petitioner and the State. The instant application for bail has been filed by the petitioner praying for enlarging him on bail to attend the funeral of his father.
2. Admittedly, the said ground is not available to the petitioner since the funeral of the deceased father of the petitioner took place long back. From the seizure list dated 12th February, 2023, it appears that huge quantity of commercial contraband was seized from the joint possession of the present accused petitioner and the other co-accused persons.
3. In view of such, we are of the view that the present petitioner is not successful in rebutting the statutory restriction as provided under Section 37 of the NDPS Act. Accordingly, the prayer for bail of the petitioner is rejected.

4. Before parting with, we request the learned Trial Court to consider charges preferably on the next date fixed and thereafter conclude the trial within a period of one year from the date of consideration of charge, if charge is framed.
5. We make it clear that the prosecution shall ensure production of all the witnesses and the alamats on each date of successive hearing, failing which, the learned Trial Court will be at liberty to take appropriate coercive action against the prosecution witnesses as well as the police personnel.
6. CRM(NDPS)/78/2024 is, thus, dismissed.

(Soumen Sen, J)

(Partha Sarathi Sen, J)