

AD-1
Ct No.01
Jalpaiguri
23.07.2024
SP

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

CRM (NDPS) 249 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar Police Station Case No. 719 of 2023 dated 16.08.2023 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985, charge sheet submitted vide Charge Sheet No.36 of 2024 dated 31.01.2024 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985 .

And

In the matter of: **DURGA SOREN AND ORS**for the petitioners

Ms. Upashana Chetri, Adv.,

... for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra, Adv.

... for the State

1. Learned counsel for the petitioner, at the time of hearing, restricts the prayer for bail to petitioner no.3, who was the driver of the commercial vehicle from which the contraband substance was recovered. It is submitted that in view of such status of the petitioner no.3, his direct involvement in the alleged offence is suspect.
2. Moreover, the charge-sheet has been filed on January 31, 2024, whereas charges have not been framed as yet.
3. However, we do not find any mitigating circumstance to enlarge the petitioner no.3 on bail at this stage, particularly

in view of rigours of Section 37 of the NDPS Act. However, it is expected that the charges shall be framed expeditiously in the matter. Accordingly, CRM (NDPS) 249 of 2024 is dismissed with the above observations.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)