

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

08.07.2024
Court No.1
(D/L 11)

CRM (NDPS) 259 OF 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 26.06.2024 in connection with Siliguri Police Station Case No. 1417 of 2020 dated 07.12.2020 under Sections 20(b)(ii)(C) of the NDPS Act, 1985.

And

In the matter of: **Habu Ghosh**

... Petitioner.

Mr. Satyabrata Deb

...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Sourav Ganguly

... for the State.

Learned counsel appearing for the petitioner submits that the petitioner is in custody for almost 4 years and the co-accused is in bail for last 3 years. Learned counsel further submits that there is no legally admissible evidence connecting him with the crime and prays for bail.

Learned counsel appearing for the State opposes the prayer for bail and submits that there are statutory restrictions under Section 37 of NDPS Act.

We have considered the case diary. The police officials recovered 22 kgs. 900 gms. of ganja, which is more than the commercial quantity and the trial has already commenced.

Under such circumstances, we are not inclined to grant bail to the petitioner. However, the Trial Court is requested to conclude the trial at an earliest preferably, within one year from date.

The application for bail is accordingly, rejected.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)