

AD-14  
Ct No.01  
Jalpaiguri  
24.07.2024  
B.Pal

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

**CRM (NDPS) 288 of 2024**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.07.2024 in connection with Maynaguri Police Station Case No. 66 of 2023 dated 20.02.2023 under Sections 8(C)/21(C)/29 of the NDPS Act, 1985.

And

In the matter of: MD SAIFUL ALAM

...Petitioner

Mr. Jagriti Mishra,  
Ms. Ananya Bhattacharya,  
Mr. Naser Ali,  
Ms. Mrinmayee Das,  
Mr. Manish Gupta,  
Ms. Silpi Basu

... for the petitioner

Mr. Aditi Shankar Chakraborty,  
Mr. Kallol Acharjee  
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner contends that the petitioner was made to sign as a witness in an offence alleged against himself. That apart, it is contended that the petitioner is already in custody for 518 days which itself is justification for grant of bail.
2. Learned counsel for the State seriously opposes the prayer and submits that the signature of the petitioner as witness in a wrong column of the seizure list was a technical error. That

apart, the trial has been fixed for evidence of PW-1 on August 28, 2024 and the prosecution is agreeable to the trial being expedited.

3. Moreover, it is pointed out that in an order dated May 13, 2024, coordinate Bench took into consideration the primary contentions of the petitioner and rejected the bail.
4. Although we were initially in a dilemma in view of the long period of incarceration already suffered by the petitioner, we find from the order dated May 13, 2024, which is pretty recent, that the coordinate Bench dealt with the prayer of the petitioner on merits and passed a detailed order refusing bail and we do not find any changed circumstance sufficient at this juncture to enter into a re-appreciation on the self-same matter.
5. Accordingly, we are not inclined to grant bail to the petitioner at this stage. However, in view of the long incarceration of the petitioner, the Trial Court is requested to expedite the trial and preferably conclude the same by the end of December this year.
6. CRM (NDPS) 288 of 2024 is dismissed with the above observations.

**(Sabyasachi Bhattacharyya, J.)**

**(Prasenjit Biswas, J.)**