

09.12.2021
Sl. No.9
akd
[Rejected]

C. R. M. 3456 of 2021 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.04.2021 in connection with Chinsurah Police Station Case No. 295 of 2019 dated 12.09.2019 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.26 of 2019)

And

In Re: **Toton Biswas**

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate

Mr. Sudip Ghosh Chwodhury

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Sanjay Bardhan

Ms. Manisha Sharma

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted that the petitioner has been falsely implicated in the instant case. There is hardly any progress in the matter before the trial court.

Learned advocate appearing for the State opposes the prayer for bail and submits that on the leading statement of the petitioner, 22.9 kgs. of *Ganja* was recovered from the back side of his house.

We have considered the materials on record. Petitioner was initially arrested with a large cache of arms. On his leading statement, narcotic substance was recovered near his house in presence of independent witnesses. In view of the aforesaid facts and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

We, however, direct the trial court to consider the issue of framing of charge within two months from the next date fixed for framing of charge and in the event, charge is framed to take the proceeding to its logical conclusion at the earliest.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)