

36 27.09.2021  
(AD)

Court No.28

(Dismissed)

**C.R.M. 4897 of 2021**  
**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 23/07/2021 in connection with **Belur** P.S. Case No.**161 of 2020** dated **04/09/2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Md. Rizwan

....petitioner.

Mr. Anand Keshori  
Mr. Sekhar Mukherjee  
Mr. Gourav Kumar

...for the petitioner.

Mr. Saryati Datta

... for the State.

4600 ml of Codeine Mixture has been retrieved from the joint possession of the petitioner and other three co-accused. The petitioner is in custody for nearly 388 days.

Though it is submitted that no recovery was made from the exclusive possession of the petitioner, but such contention does not stand because of the recovery having made from the joint custody of the four persons including the petitioner.

In view of the embargo created under Section 37 of the NDPS Act, the petitioner is not entitled to release on bail.

The prayer for bail is, thus, rejected.

The learned Judge under the NDPS Act is requested to fix a date for framing of the charge which should not exceed one week from the reopening of the Court following the Puja Vacation from the date of communication of this order and effort shall be made to frame the charges and thereafter shall expedite

the trial of the case.

C.R.M. 4897 of 2021 is dismissed accordingly.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)