

06.12.2021.
14.
as
(Rejected)

C.R.M. 5096 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Crime No.22/NCB/Kol/2019 corresponding to NDPS Case No.27 of 2019 under Sections 21(c)/25/29 of the NDPS Act.

In the matter of : Soumo Sarkar.

... Petitioner.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk,
Ms. Amrita Chel.

...for the Petitioner.

Mr. Y. J. Dastoor, Id. A.S.G.,
Mr. Phiroze Edulji.

...for the U.O.I.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than two years. It is submitted that the trial has not yet progressed.

The learned Additional Solicitor General opposes the prayer for bail and submits that the date has been fixed for consideration of charge on 24th December, 2021.

We have considered the materials on record. Statements of witnesses show that the petitioner was in alleged possession of narcotic substance above commercial quantity i.e. 25000 bottles of phensedyl cough syrup containing codeine mixture.

In view of the aforesaid facts and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, in view of the protracted period of detention suffered by the petitioner, we request the trial court to consider the framing of charge within two months from the next date fixed without granting unnecessary adjournment and in the event, the charge is framed to take the proceeding to its logical conclusion at the earliest.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)