

02.08.2022
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 873 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with Raninagar Police Station Case No. 153 of 2019 dated 17.03.2019 under Section 21(c) of the NDPS Act. (NDPS Case No.64 of 2019)

And

In Re: **Kalu Sk. @ Rasikul Sk.**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Md. G. N. Imrohi

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and four months. It is further submitted petitioner was detained by BSF personnel on 16.03.2019 and produced before the learned Magistrate on 18.03.2019 beyond 24 hours of this arrest. It is also submitted statements recorded in another case have been utilised in the present one.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was apprehended by BSF personnel and arrested on 17.03.2019. On the next day, he was produced before the learned Magistrate. Materials on record show 95 bottles of *phensedyl syrup* containing *codeine phosphate* was recovered from his possession. Charge has already been framed.

We have considered the materials on record. Materials on record show petitioner was apprehended by BSF personnel with 95 bottles of *phensedyl syrup* containing *codeine phosphate* on 16.03.2019 at 19:20 hrs. Petitioner along with the seized consignment was handed

over to the local police who arrested him on 17.03.2019 at 16:22 hrs. as per arrest memo. Hence, production of the petitioner before the jurisdictional Magistrate was within 24 hours of his arrest. Statements of witnesses as well as contemporaneous documents corroborate the allegation of recovery of narcotic substance above commercial quantity. In view of the aforesaid facts and 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**.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)