

14.11.2022
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 1216 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.10.2022 in connection with NDPS Case No.39 of 2020 arising out of NCB Crime No.14/NCB/KOL/2020 under Sections 20(b)(ii)(c)/27A/29 of the NDPS Act.

And

In Re: ***Biswajit Halder & Ors.***

... .. Petitioners

Mr. Sandipan Ganguly .. Sr. Advocate
Mr. Karan Dudhwala

... .. for the petitioners

Mr. Dipankar Dandapath

... .. for the NCB

It is submitted on behalf of the petitioners that they are in custody for more than two years. It is further submitted there is slow progress in the matter before the trial court.

Learned advocate appearing for the NCB submits matter is fixed for consideration of charge. Co-accused has preferred an application for discharge. Hence, the matter was adjourned.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 435 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioners. In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioners.

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

Trial court is directed to consider the issue of framing of charge including the prayer for discharge of the co-accused at the earliest but not later than two months from the next date fixed for consideration of charge. In the event charge is framed, trial court shall

take the proceeding to its logical conclusion without any unnecessary delay.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)