

VB
32. 20.10.2022
Ct.28 Tanmoy/
Suvayan

Rejected

CRM (NDPS) 1270 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with N.D.P.S. Case No. **23 of 2021** arising out of **Chakulia Police Station Case No. 120 of 2021** dated 12.05.2021 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Subhash Prasad Saha @ Subhas Prasad Sha**

...petitioner.

Mr. Krishan Ray,
Mr. Rajkumar Pandit,
Mr. Anindya Chowdhury

...for the petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Ms. Debjani Sahu

...for the State.

Having heard the learned Advocate for the petitioner and the learned Public Prosecutor-in-Charge and on perusal of the materials on record, it is ascertained that commercial quantity of codeine mixture was seized from the godown owned by the petitioner. Learned Advocate for the petitioner has claimed that the petitioner has leased out the said godown to one Nitish Kumar Sha. The possession of the said godown was not with the petitioner. Therefore, he may be released on bail.

It is not disputed that charge-sheet has been submitted against the petitioner under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act. On submission of the charge-

sheet, *prima facie* case against the petitioner is failed to be established. Therefore, we are not in a position to release the petitioner on bail.

Prayer for bail is accordingly rejected.

Since the charge-sheet has been submitted and the petitioner is in custody for 114 days, the learned Special Judge, Raiganj, Uttar Dinajpur, is requested to commence the trial of the case and conclude the same expeditiously.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)