

29.11.2022

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rejected

C.R.M. (NDPS) No. 1323 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 18 of 2022 dated 09.01.2022 under Sections 21(c)/29 of the NDPS Act.

In Re : Hasanujjaman & Ors. ... petitioners

Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta

...for the petitioners

Mr. Saswata Gopal Mukherji, learned P.P.
Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick

....for the State

Chemical examiner's report is placed on record. It shows presence of codeine phosphate in the seized consignment.

Learned Counsel appearing for the petitioners argues the police report was filed without FSL report. Such police report being an incomplete one, his client is entitled to statutory bail.

We have considered the materials on record. Test kit report at the spot indicated presence of codeine phosphate in the consignment of phensedyl bottles which were seized. Admittedly, labels on the seized bottles also confirm the presence of codeine phosphate in the seized consignments. Materials collected during investigation do not show that the consignments were being used for medicinal purposes. In view of the aforesaid materials, submission of a police report awaiting a confirmatory opinion from FSL cannot be said to be an incomplete one.

Under such circumstances, we are not willing to accept the submission of the learned Counsel appearing for the petitioners that they are entitled to statutory bail.

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

Be that as it may, petitioners are in custody for about one year. Chemical examiner's report has been received which confirms the presence of codeine phosphate.

Under such circumstances, we request the Special Court to consider the issue of framing of charge at the earliest and in the event the charge is framed to conclude the trial within one year from the date of framing of charge without undue delay.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)