

28.11.2022
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 1400 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2022 in connection with Lalgola Police Station Case No.748 of 2021 dated 19.10.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.218 of 2021)

And

In Re: ***Matiur Rahaman***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance above commercial quantity from the possession of the petitioner and co-accuseds. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed, to take the proceeding to its logical conclusion.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

