

02.12.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1424 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 Minakhan Police Station Case No.19 of 2022 dated 28.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Mahiuddin Molla & Anr.***

... .. Petitioners

Mr. Somnath Banerjee

Mr. Pronojit Roy

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

Heard the learned advocate appearing for both the parties.

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 petitioners. 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 petitioners.

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 dispose of the trial as expeditiously as possible without unnecessary delay.

Department has placed before us orders of bail passed in a different case. Explanation with regard to such lapse be filed on the adjourned day.

Let the matter appear on **09.12.2022**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

