

17.01.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 67 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Dum Dum Police Station Case No.1018 of 2021 dated 10.09.2021 under Section 21(c) of the NDPS Act.

And

In Re: ***Sri Akash Nayak @ Raja Nayak & Anr.***

... .. Petitioners

Mr. Debasis Kar

... .. for the petitioners

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioners that police report was filed without the chemical examiner's report.

Chemical examiner's report showing presence of narcotics in the analysed samples is placed on record.

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 on the next date fixed and if it is unable to do so, positively within a month thereof and in the event charge is framed, to take the proceeding to its logical conclusion without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

