

19.01.2023

10
sdas
rejected

C.R.M. (NDPS) No. 81 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Gangarampur Police Station Case No. 437 of 2021 dated 26.10.2021 under Sections 22(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

And

In Re : Aynul Miya petitioner

Mr. Ali Ahsan Alamgir

Mr. Mazahar Hossain

Ms. Soma Mal

Ms. Rabia Khatoon

... for the petitioner

Mr. Saryati Datta

... for the State

Learned Counsel for the petitioner submits he is in custody for 450 days. Charge has not been framed as yet. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance i.e. 124 bottles of Phensedyl Syrup containing codeine phosphate, which is above commercial quantity from the possession of the petitioner. 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 without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)