

13.02.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 182 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 03 of 2022 arising out of Dankuni P.S. Case No.32 of 2022 dated 28.01.2022 under Sections 21(c) of the NDPS Act.

In the matter of : Md. Raja.

... Petitioner.

Mr. Sandip Kr. Bhattacharyya,
Mr. Tanmoy Bhattacharyya,
Mr. Aneek Pandit,
Md. Ali Rizvi,
Ms. Debanwita Pramanik,
Ms. Romisha Jain.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than one year. He submits there is non-compliance of Section 52A of the NDPS Act. It is also submitted charge has not been framed as yet.

Learned Advocate for the State opposes the bail prayer. Relying upon the inventory certified by the jurisdictional Magistrate under Section 52A of the NDPS Act, he submits the aforesaid provision has been complied with. It is also submitted chemical examiner's report has been filed before the trial court.

We have considered the materials on record. From the records of investigation, it appears that the Magistrate has certified the inventory under Section 52A of the NDPS Act. In view of the aforesaid materials on record, we are of the opinion the said issue may be thrashed out during trial.

Supplementary charge sheet enclosing chemical examiner's report has also been filed.

Under such circumstances and in view of the materials on record, we are of the opinion that this is not a fit case to grant bail.

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

Trial court is requested 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 any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)