

09.02.2023
Sl. No.1
akd
[Rejected]

C. R. M. (NDPS) 224 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.02.2023 in connection with Bhagwangola Police Station Case No.434 of 2021 dated 26.09.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.208 of 2021)

And

In Re: ***Bahadur Sk.***

... .. Petitioner

Mr. Sunny Nandy
Mrs. Riya Das
Mr. Nurnobi Seikh

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 493 days. It is further submitted petitioner has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was earlier turned down on merits. Subsequently, date has been fixed for consideration of charge.

We have considered the materials on record. Petitioner was initially implicated in a similar case. Subsequently, on his leading statement, another cache of *phensedyl syrup* was recovered and the present case was registered. His bail prayer was rejected earlier on merits. Date has been fixed for consideration of charge.

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 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.)