

20.02.2023
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 298 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.02.2023 in connection with Burwan Police Station Case No.192 of 2021 dated 12.07.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.137 of 2021)

And

In Re: ***Solim Khan @ Kha & Anr.***

... .. Petitioners

Mr. Anisur Rahaman

... .. for the petitioners

Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about one year and seven months.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 29.500 kgs. of *Ganja* from a vehicle. Petitioners were present in the vehicle and had control and dominion over the contraband. Delay in the matter is due to abscondence of co-accused. 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 take the proceeding to its logical conclusion without unnecessary delay.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

