

13.03.2023

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rejected

C.R.M. (NDPS) No. 369 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 313 of 2021 dated 10.10.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Totan Sk. @ Abu Hayet Sk. & Anr. petitioners

Mr. Jisan Hossain

Ms. Chandrima Debnath

Mr. Karnel Mondal

... for the petitioners

Mr. Antarikhya Basu

... for the State

Learned Counsel for the petitioners submits they are in custody for one year and three months. It is also submitted that no chemical examiner's report has been filed.

Learned Counsel for the State opposes the prayer for bail and submits chemical examiner's report. Let the report be kept with record. It is also submitted date has been fixed for consideration of charge on 18.04.2023..

We have considered the materials on record. Statements of the witnesses and contemporaneous documents show recovery of 205 bottles of phensedyl syrup from the petitioners. Chemical examiner's report has been placed on record and date has been fixed for consideration of charge. In view of the aforesaid facts and 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 due to circumstances beyond control then positively within one month thereof and in the event charge is framed to take the proceeding to its logical conclusion at the earliest without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)