

20.03.2023
Sl. No.21
akd
[Rejected]

C. R. M. (NDPS) 423 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with Murshidabad Police Station Case No.20 of 2022 dated 12.01.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.20 of 2022)

And

In Re: **Anesh Sk.**

... .. Petitioner

Mr. Jisan Iqbal Hossain
Mr. Soumya Roy Chowdhury
... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Ms. Sayanti Santra
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than a year.

Learned Additional Public Prosecutor 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. 270 gms. of *Heroin*, which is above commercial quantity from 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

