

21.03.2023.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 439 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 32 of 2021 arising out of Raninagar P.S. Case No.79 of 2021 dated 16.02.2021 under Sections 21(c)/20(b)/29 of the NDPS Act.

In the matter of : Masidul Sekh @ Seikh.

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than two years. He submits charge has not been framed. He prays for bail.

Learned Advocate for the State opposes the bail prayer. Delay is due to vacancy in the trial court.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 2399 bottles of phensedyl syrup containing codeine mixture and 3 kgs. 800 grams of ganja above commercial quantity from the petitioner. Delay in the matter is due to systemic reasons and cannot be attributed to the prosecution.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to consider the issue of framing of charge on the next date of hearing and in the event charge is framed to take the proceeding to its logical conclusion without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)