

23.03.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 474 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 33 of 2021 arising out of Raninagar P.S. Case No.82 of 2021 dated 17.02.2021 under Section 21(c) of the NDPS Act and charge sheet submitted under Section 21(c) of the NDPS Act.

In the matter of : Rajesh Sekh.

... Petitioner.

Ms. Shabana Hasin.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than two years. He submits trial has not commenced. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 100 bottles of phensedyl syrup containing codeine phosphate above commercial quantity from the petitioner. Date has been fixed for consideration of charge.

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.

We request the trial court to consider the issue of framing of charge on the next date fixed before it and if it is unable to do so positively within two months thereof 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.

Department is directed to communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)