

04.04.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 632 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.28 of 2022 arising out of Mongalkote P.S. Case No.132 of 2022 dated 26.05.2022 under Section 20(b)(ii)(c)/29(c) of the NDPS Act and Section 120B of the Indian Penal Code.

In the matter of : Tuntun Kumar & Anr.

... Petitioners.

Mr. Biswajit Manna.

...for the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioners are in custody for 313 days. They pray 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 narcotics above commercial quantity i.e. 24 kgs. of ganja from joint possession of petitioners and co-accused. 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 petitioners.

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

Trial court is requested 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 granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)