

27.04.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 741 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2023 in connection with Kandi Police Station Case No.576 of 2020 dated 28.12.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.01 of 2021)

And

In Re: ***Dalu Sk.***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Tapodip Gupta

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and four months. It is further submitted petitioner is suffering from illness. Accordingly, he prays for bail.

Report is placed on record.

We have considered the materials on record. Petitioner has a history of pulmonary tuberculosis. He has been treated at Murshidabad Medical College & Hospital. There are materials to show recovery of narcotics i.e. 10 ltrs. of *codeine mixture*, which is above commercial quantity from the joint possession of petitioner and co-accused. 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 positively within two months from the next date fixed before this court and in the event, charge is framed to take the proceeding to its logical conclusion without delay.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)