

18.05.2023
tkm/ct 28
sl no.7

C.R.M. (NDPS) 1017 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raninagar PS case no. 79 of 2021 dated 16.2.2021 under sections 21(c)/20(b)/29 of the NDPS Act

And

In Re : Bacchu Sk @ Shuktar Sk @ Ali petitioner

Mr. G N Imrohi

..... for the petitioner

Mr. R Sengupta

..... for the State

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

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. 2339 bottles of phensedyl syrup containing codeine phosphate and 3.800 kgs of ganja were recovered from the co-accused. On the leading statement of the petitioner another consignment of 115 bottles phensedyl syrup was recovered from the residence of the petitioner. These materials prima facie show petitioner is involved in trafficking of drugs.

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.

Accordingly, prayer for bail is rejected.

However, keeping in mind the protracted period of detention suffered by the petitioner we request the trial court to consider the issue of framing of charge on the next date fixed and if it is unable on that day to do so positively within two months thereof and conclude the trial at an early date.

Parties shall communicate this order to the trial court for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)