

05.06.2023.
19.
Ct.No.28.
as
(Rejected)

C.R.M. (NDPS) 1047 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.77 of 2021 arising out of Ranitala P. S. Case No.156 of 2021 dated 26.04.2021 under Sections 21(c) of the NDPS Act and charge sheet submitted under Sections 21(c) of the NDPS Act.

In the matter of : Nav Kumar Mondal @ Naba Kumar Mondal.

.... Petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for over 700 days. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. 170 bottles of phensedyl syrup containing codeine phosphate were recovered from the house of the petitioner. He is in custody for more than two years. Date has been fixed for consideration of charge.

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

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

However, we request the trial court to consider the issue of framing of charge on the next date so fixed and if it is unable to do so positively within one month thereafter 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)