

06.06.2023

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rejected

C.R.M.(NDPS) No. 1054 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 837 of 2021 dated 21.11.2021 under Section 21(c) of the NDPS Act.

And
In Re : Sahajan Molla petitioner

Ms. Malashree Ghosh
....for the petitioner

Mr. Sanjoy Bardhan
Mr. Saryati Datta
..... for the State

Learned Counsel for the petitioner submits he is in custody for one year and six months. It is submitted there is slow progress in the trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of a large volume of Phensedyl Syrup from the petitioner.

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.

The application for bail is, thus, rejected.

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so on the date so fixed, the exercise shall positively be made within two months thereof 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.)