

14.06.2023
Sl. 21
Court No.29
Suvayan
(Rejected)

C.R.M. (NDPS) 1140 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in arising out of **Airport** P. S. Case No. **151 of 2020** dated **16.09.2020** under Sections **20(b)(ii)(C)/28/29** of the NDPS Act, 1985.

And

In the matter of: **Vijay Raj**

....petitioner

Mr. Biswajit Goswami

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Palash Ch. Majhi

...for the State.

1. Heard the learned Counsel for both the parties.
2. Taking into consideration seizure of huge quantity of contraband ganja from the possession of the petitioner and the co-accused persons, the bar under Section 37 of the NDPS Act and the social impact of the alleged crime, we are not inclined to exercise our discretion in favour of the petitioner under Section 439 Cr.P.C. on the ground of delay by invoking Article 21 of the Constitution of India especially when Section 37 of the NDPS Act has not yet been declared unconstitutional.
3. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (NDPS) 1140 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)