

14.07.2023

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rejected

C.R.M.(NDPS) No. 1253 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 26 of 2022 dated 20.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Md. Rabiul Islam petitioner

Mr. Soumyajit Das Mahapatra

Md. G. N. Imrohi

....for the petitioner

Mr. Saryati Datta

..... for the State

Learned Counsel for the petitioner submits he is in custody for one year and six months. It is also submitted that he was illegally arrested from his residence and falsely implicated in the case. Criminal complaint has been lodged against police personnel by his wife. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits submissions regarding illegal arrest and false implication is a sham. Criminal complaint was lodged after registration of FIR to build up the defence.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 270 grams of Heroin from the joint possession of the petitioner and the co-accused. Complaint with regard to illegal detention was lodged after registration of

FIR and its impact may be assessed in the light of the evidence collected on behalf of the prosecution during trial. Case is fixed for consideration of charge.

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 at the earliest 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.)