

24.07.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 1290 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2023 in connection with Chhatna Police Station Case No.52 of 2022 dated 17.05.2022 under Section 21(c) of the NDPS Act and Section 27 of the Drugs & Cosmetics Act, 1940. (NDPS Case No.20 of 2022)

And

In Re: ***Shantanu Dhibar @ Gera***

... .. Petitioner

Mr. Samiran Mandal
Mr. Abhinaba Dan

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 400 days. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 32 bottles of *codeine phosphate*, which is above commercial quantity from the petitioner. 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.

The application for bail is thus rejected.

Trial court is directed to consider the issue of framing of charge at the earliest.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

