

09.08.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 1310 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Lalgola Police Station Case No.90 of 2022 dated 19.03.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.73 of 2022)

And

In Re: ***Nijam Seikh @ Md. Nijam Sk. @ Md. Nizam Sk.***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and five months. It is further submitted there is delay in trial. Accordingly, he prays for bail.

Chemical examiner's report is placed on record. Report shows presence of *codeine phosphate* in the sample

Learned Advocate for the State submits date has been fixed for consideration of charge.

We have considered the materials on record. Narcotics i.e. 55 bottles of *phensedyl syrup* containing *codeine phosphate*, which is above commercial quantity, were recovered 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 on the next date fixed and if it is unable to do so, positively within one month 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)