

31.07.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1323 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.36 of 2022 arising out of Lalgla P.S. Case No.29 of 2022 dated 25.01.2022 under Sections 21(c) of the NDPS Act and charge sheet submitted under Sections 21(c)/29 of the NDPS Act.

In the matter of : Rocky Mandal.

... Petitioner.

Mr. Rhiddhiman Mukherjee,
Mr. Arkaprabho Roy.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chanrda Majhi.

...for the State.

Petitioner submits provisions of Section 50 of the NDPS Act were not scrupulously followed at the time of recovery. He prays for bail on such score.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. 500 grams of heroin was recovered from the possession of the petitioner. Compliance of Section 50 of the NDPS Act is a question of fact which requires to be thrashed out during trial.

Hence, we choose not to comment on such score. Bail prayer of the petitioner is rejected at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to consider the issue of framing of charge on the next date fixed i.e. on 5th September, 2023 and if it is unable to do so positively within one month thereafter and

in the event charge is framed to conclude the trial preferably within two years from the date of framing of charge without granting any unnecessary adjournments to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)