

31.07.2023.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1331 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.176 of 2021 arising out of Lalgola P.S. Case No.643 of 2021 dated 23.08.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sahebul Islam.

... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrima Debnath
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Antarikhya Basu.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics above commercial quantity i.e. 300 grams of heroin from the the petitioner.

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.

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

However, petitioner is in custody for about two years and charge has not been framed, we request the trial to consider the issue of framing of charge at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)