

30.08.2023.
20.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1461 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah G.R.P.S. Case No.63 of 2022 dated 09.08.2022 under Sections 21(C) of the NDPS Act.

In the matter of : Hasen Sk.

... Petitioner.

Ms. Sreyashee Biswas,
Ms. Rituparna De Ghosh,
Mr. Siddhartha Paul,
Mr. Souryadeep Ghosh.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

1. Petitioner is in custody for over 387 days. It is contended there is delay in trial and charge has not been framed. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for consideration of charge on 4th October, 2023.

3. 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. 100 bottles of cough syrup containing codeine phosphate from the petitioner. No explanation with regard to possession of such narcotic substance above commercial quantity is offered by the petitioner. Date has been fixed for consideration of charge.

4. 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.

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

6. We direct the trial court to take necessary steps so that the charge can be considered on the date so fixed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)