

13.09.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1509 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Sagardighi Police Station Case No.558 of 2022 dated 17.11.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.227 of 2022)

And

In Re: ***Usman Gani Sk. & Ors.***

... .. Petitioners

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about ten months. It is further submitted petitioners have been falsely implicated in the instant case. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 108 kgs. of *Ganja* was recovered from the possession of the petitioners.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo show petitioners were carrying 108.12 kgs. of *Ganja*, which is above commercial quantity in four plastic sacks. Chemical examiner's report confirms the contraband contains *Ganja*. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.
4. The application for bail is thus rejected.

5. Trial court is directed to consider the issue of framing of charge at the earliest without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)