

20.11.2023.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1642 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.56 of 2022 and NDPS No.1682 of 2022 arising out of Bagdah P.S. Case No.292 of 2022 dated 19.04.2022 under Sections 21(C) of the NDPS Act.

In the matter of : **Abhijit Biswas.**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

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

...for the State.

1. Petitioner is in custody for one year and seven months.

He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits chemical report has been submitted and date has been fixed for consideration of charge.

3. We have considered the materials on record. Statements of witnesses and contemporaneous documents show 100 bottles of phensedyl syrup were recovered from the petitioner. Chemical report shows presence of codeine phosphate in the contraband. 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. Trial court is requested to consider the issue of framing of charge on the next date fixed before it and if it is unable to do so positively within two months thereafter and in the event charge is framed to take the proceeding to its logical conclusion and conclude the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)