

11.01.2023

4  
sdas  
rejected

C.R.M. (NDPS) No. 1334 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 387 of 2021 dated 03.06.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Atabur Sk. Babu ..... petitioner

Mr. Sandip Chakraborty

Mr. Kaustav Das

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Affidavit is placed on record with regard to delay.

Learned Counsel for the petitioner submits he is in custody for about two years. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotic substance i.e. 8 litres of codeine phosphate from the possession of the petitioner which is above commercial quantity Chemical examiner's report has been filed and the matter is ready for trial.

Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so due to circumstances beyond control positively within two months thereof and take the proceeding to its logical conclusion without unnecessary adjournment to either of the parties.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**