

16.11.2023

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rejected

C.R.M.(NDPS) No. 1734 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 158 of 2022 dated 26.07.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Mithun Sk. & Anr. petitioners

Mr. Golam Nure Imrohi

....for the petitioners

Mr. Sudip Ghosh

Mr. Koushik Kundu

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for one year and three months. They pray for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. We have considered the materials on record. 388 bottles of Phensedyl Syrup containing codeine phosphate above commercial quantity were recovered from the petitioners who were riding a motor cycle.
4. In view of the aforesaid circumstances we are of the opinion petitioners were in joint possession of narcotics above commercial quantity. These circumstances and statutory restrictions under Section 37 of the NDPS Act do not persuade us to enlarge the petitioners on bail at this stage.
5. The application for bail is, thus, rejected.
6. Trial court is requested to consider the issue of framing of charge at the earliest preferably within two months from the

next date fixed before the trial court and in the event charge is framed to take the proceedings to its logical conclusion without granting any unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)