

18.12.2023
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 1809 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2023 in connection with English Bazar Police Station Case No.141 of 2023 dated 29.01.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.16 of 2023)

And

In Re: ***Ohidur Momin***

... .. Petitioner

Mr. Soewel Bhattacharjee

... .. for the petitioner

Mr. Swapan Banerjee

Mrs. Purnima Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that there is infraction of Section 50 of the NDPS Act in the matter of seizure. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits 305 gms of *Heroin* was recovered from the petitioner.
3. We have considered the materials on record. Non-compliance of Section 50 of the NDPS Act is a matter which requires to be thrashed out during trial. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 305 gms. of *Heroin*, which is above commercial quantity from the petitioner. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without unnecessary delay.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)