

30.11.2023
Sl. No.18
akd
[Rejected]

C. R. M. (NDPS) 1843 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 Raninagar Police Station Case No.235 of 2022 dated 25.06.2022 under Section 21(c) of the NDPS Act. (NDPS Case No.157 of 2022)

And

In Re: ***Mojammel Sk. @ Mojammel Sekh***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor

Mr. P. K. Ganguly

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and five months. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 2000 pieces of *Yaba* tablets, 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.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

