

09.01.2023
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 1500 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.12.2022 in connection with Dhubulia Police Station Case No.220 of 2021 dated 17.07.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.72 of 2021)

And

In Re: ***Nasiran Parvina Bibi @ Nachiran Parvina Bibi & Anr.***
... .. Petitioners

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Dattatreya Dutt
... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
... .. for the State

Report is placed on record. Inventory and certification by the Magistrate under Section 52A of the NDPS Act has been complied with.

It is contended there is delayed compliance of the said requirement of law. Impact of such delay requires to be decided in the backdrop of other incriminating materials in course of trial.

Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 260 gms. of *Heroin* from the house of petitioner no.2. Petitioner no.1, who is his wife, was present at the place of occurrence. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.

The application for bail is thus **rejected**.

Needless to mention relevant documents relating to compliance of Section 52A of the NDPS Act be handed over to the accuseds in course of trial.

Trial court is directed to conclude the trial at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)