

28.11.2023

Serial no.7

Court No.1

(CHC)

(Rejected)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (NDPS) 837 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with NDPS Case No.122/21 arising out of **Bhaktinagar** Police Station Case No. **1572/21** dated **14.12.2021** under Sections **21(C)/ 22(C)/23(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.*

-And-

In the matter of : **Md. Yusuf Ali Khan**

... .. Petitioner

*Ms. Sohini Kundu, **Advocate (in virtual mode)***

... .. For the Petitioner

*Mr. Nilay Chakraborty, **Advocate***

Mr. Tapan Bhattacharjee, Advocate

*... ..For the **State***

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of two years. She refers to the seizure made and the date of which, the seized narcotics were sent for forensic test. She refers to the charge-sheet and submits that, sample was sent for testing after 30 days from the date of seizure on December 14, 2021. She

refers to the standing order governing the seizure and the testing of the narcotics.

Learned advocate appearing for the State submits that, commercial quantity of narcotics were seized from the possession of the petitioner. He contends that, the seizure was made on December 14, 2021 and after due certification the sample was sent for testing on January 3, 2022. According to him, there was no delay in sending the sample for testing.

The contention that, there was violation of any standing order, is an issue which ought to be decided at the trial, if so raised.

Commercial quantity of narcotics were seized from the possession of the petitioner. In such circumstances, the petitioner is unable to over the restrictions under Section 37 of the N.D.P.S. Act, 1985.

We find from the records that, charges are yet to be framed. We, therefore, direct the Court in seisin of the proceeding to frame charges as expeditiously as possible and preferably within four week from the date of communication of this order.

CRM (NDPS) 837 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)