

30.01.2024
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 181 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.11.2023 in connection with Bhagwangola Police Station Case No.253 of 2022 dated 16.04.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Mosnehara @ Khursina @ Khosnahara Bewa***
... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
... .. for the petitioner

Ms. Debjani Sahu
... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for about 654 days. It is further submitted there is slow progress in trial. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for consideration of charge.
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. 500 gms. of *Heroin*, which is above commercial quantity from the petitioner. Date has been fixed for consideration of charge. 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 on the next date fixed and if it is unable to do so preferably within two months from the next date fixed 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.)