

20.03.2024.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 250 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.76 of 2023 arising out of Beldanga P.S. Case No.475 of 2023 dated 23.06.2023 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

In the matter of : **Faruk Sk & Anr.**

... Petitioners.

Mr. Kingsuk Mondal.

...for the Petitioners.

Mr. Jaydeep Biswas.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record. Report shows delay in dispatch of sample was due to delayed certification of the inventory and drawing representative samples before Magistrate.
3. We request the police authorities and other agencies to be more diligent and prompt in the matter.
4. Chemical examiner's report is placed on record. Report shows samples tested positive to ganja.
5. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum shows recovery of 37.909 kgs. of ganja from petitioner and co-accused.
6. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

8. Trial court is requested to consider the issue of framing of charge on the next date and if it is unable to do so preferably within one month thereof without granting unnecessary adjournment to either of the parties.

9. Parties shall co-operate and communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)