

09.02.2024
Sl. No.14
akd
[Rejected]

C. R. M. (NDPS) 271 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2024 in connection with Farakka Police Station Case No.186 of 2023 dated 25.04.2023 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.55 of 2023)

And

In Re: ***Mokam Ali & Anr.***

... .. Petitioners

Mr. Biswajit Tiwari

... .. for the petitioners

Mr. Arijit Ganguly
Mr. Palash Ch. Majhi

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 160 bottles of *choco* syrup, which is above commercial quantity from a motorcycle. Petitioners were riding the motorcycle. They were unable to give explanation for licit possession of the drugs. 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 petitioners.
3. The application for bail is thus rejected.
4. 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 without unnecessary delay.
5. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

