

13.02.2024
Sl. No.31
akd
[Rejected]

C. R. M. (NDPS) 302 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2024 in connection with Kaliachak Police Station Case No.300 of 2023 dated 15.03.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Mahibur Rahaman***

... .. Petitioner

Mr. Kazi Safiullah

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about a year. Police report had not been filed within statutory period. No inventory under Section 52A of the NDPS Act was done. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits police report was filed within the statutory period. Narcotics above commercial quantity was recovered from the petitioner.
3. We have considered the materials on record. Narcotics i.e. 1460 pieces of *Yaba* tablets weighing 156 gms., which is above commercial quantity were recovered from the residence of the petitioner. Police report appears to have been filed before expiry of 180 days. Issue of non-compliance of Section 52A of the NDPS Act requires to be assessed during trial. 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 either on merits or on the ground of delay in trial.

4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)