

05.03.2024.  
31.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 435 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.36 of 2023 arising out of Samsherganj P.S. Case No.88 of 2023 dated 20.03.2023 under Sections 21(c)/22(c)/27A/29/30 of the NDPS Act.

In the matter of : **Sk. Motibur Rahaman @ Seikh Matibur Rahaman @ Motibur Rahaman & Anr.**

... Petitioners.

Mr. Tapodip Gupta.

...for the Petitioners.

Mr. Pravash Bhattacharya,  
Mr. Arif Ekbal Molla.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of 1.013 kgs. of heroin from petitioners.
3. 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 petitioners.
4. Accordingly, the prayer for bail of the petitioners is rejected.
5. We direct the trial court to consider the issue of framing of charge on the next date fixed before it and if the court is

unable to do so positively within a fortnight thereof and take the proceeding to its logical conclusion without undue delay.

6. In the event petitioners cannot be physically produce, court shall arrange for their production through video linkage.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**