

01.05.2024
Sl. No.20
akd
[Rejected]

C. R. M. (NDPS) 741 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2024 in connection with Samsherganj Police Station Case No.99 of 2023 dated 29.03.2023 under Sections 21(c)/22(c)/27A/29/30 of the NDPS Act. (NDPS Case No.42 of 2023)

And

In Re: ***Marium Khatun***

... .. Petitioner

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. Subrata Roy

Mr. Abhishek Verma

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than a year. It is further submitted petitioner is incarcerated with her minor child. 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. 762 gms. of *Heroin*, which is above commercial quantity from the petitioner. 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. It is open to the petitioner to hand over the minor to her family members, if so advised.
6. Trial court is directed to consider the issue of framing of charge at the earliest and upon charge being framed, to conclude the trial

without unnecessary delay. Parties shall cooperate with the trial court in that regard.

7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)