

18.10.2024
Sl. No.21
akd/AP

C. R. M. (NDPS) 1693 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 14.10.2024 in connection with Raiganj Police Station Case No.35 of 2024 dated 10.01.2024 under Sections 21(c)/27/29 of the NDPS Act.

And

In Re: ***Nishikanta Roy***

... .. Petitioner

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. Arijit Ganguly
Mr. Tirupati Mukherjee

... .. for the State

1. The petitioner was apprehended on 10.01.2024 around 06.40 hrs and 6000 bottles of *phensedyl* comprising of *codeine mixture* was recovered from his exclusive possession. The petitioner says that there are three co-accused who are enlarged on bail and as such the petitioner should be also enlarged on bail. Between 10.01.2024 and 14.10.2024 (being the date of filing of the application) the charge sheet has been filed. It cannot, therefore, be said that there is any inordinate delay on the part of the prosecution in proceeding with the case. The quantity recovered from the petitioner's exclusive possession is commercial quantity and as such the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are attracted. The time from the petitioner being apprehended till date about ten months have elapsed within which charge sheet has been filed. The petitioner, therefore, cannot also complain that his right guaranteed under Article 21 of the Constitution of India has been infringed due to delay in judicial adjudication leading to his prolonged custody.

2. In the aforesaid facts and circumstances, we do not find any merit in the petitioner's case.
3. The application for bail is rejected.
4. CRM (NDPS) 1693 of 2024 is accordingly, dismissed.
5. All parties are directed to act on the server copy of this order duly downloaded from the official website of this court.

(Supratim Bhattacharya, J.)

(Arindam Mukherjee, J.)