

09.01.2024
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 1905 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2023 in connection with Nabagram Police Station Case No.284 of 2022 dated 02.08.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.176 of 2022)

And

In Re: ***Samirul Sk. @ Somirul Sk.***

... .. Petitioner

Sk. Saifuddin

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. Chemical examiner's report is placed on record. Report shows presence of *codeine phosphate* in the sample.
2. Materials on record prima facie establish recovery of narcotics i.e. 100 bottles of *phensedyl syrup* containing *codeine phosphate*, 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.
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.)

