

53.
06-03-2025
(ct. no.29)
debajyoti
(rejected)

CRM (NDPS) 227 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Baishnabnagar Police Station Case No.590 of 2024 dated 26-06-2024 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Abu Sayed @ Badsha

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Ms. Suchismita Chakraborty,
Mr. Tusar Hazra

... For the Petitioner.

Ms. Faria Hossain, learned APP,
Mr. Debarshi Brahma

... For the State.

Dictated by Arijit Banerjee, J.

1. Commercial quantity of narcotics was allegedly seized from this petitioner. In view of the restrictions in Section 37 of the NDPS Act, we are not inclined to allow his prayer for bail.

2. The application for bail is, thus, **dismissed**.

3. However, the petitioner says that he is in custody for eight months. Several dates were fixed for consideration of the issue of framing of charge. Nothing happened on those dates because the Special PP was not engaged by the district Public Prosecutor. Learned advocate for the petitioner draws our attention to the order dated January 28, 2025 recorded by the learned trial Court whereby a reminder was issued to the district Public Prosecutor directing him to engage Special

PP on the next date. Learned advocate says that the same has had no effect.

4. We see that the petitioner is in custody for 8 months. Even charge has not been framed due to non-appointment of Special PP.

5. Accordingly, we direct the District Public Prosecutor to immediately engage a Special PP to prosecute the case on behalf of the State so that the issue of consideration of charge can be positively taken up on the next date fixed which, we are told, is March 24, 2025.

6. The Registrar General of this Court is requested to immediately communicate this order to the learned trial Court as also to the District Public Prosecutor (Malda).

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)