

16.12.2021
tkm/ct 28
sl no. 288

C.R.M. 4804 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with DRI case no. 02/CL/IMP/DRI/BRM/2017-18 dated 7.12.2017 under sections 135(1)(a)(i)(c)/135(1)(b)(i)(c) of the Customs Act read with sections 489B/489C IPC

and

In Re : Madan Sah

..... petitioner

Mr. Sekhar Basu, Sr. Adv

Mr. Ujjal Ray

..... for the petitioner

Mr. Kaushik Dey

..... for OP no. 2

Report is placed on record. It appears that charge has not been framed as yet.

Petitioner is in custody for more than four years. No counterfeit currency note was recovered from the possession of the petitioner.

Learned lawyer for the Customs department submits that the petitioner had admitted his guilt in his statement under section 108 of the Customs Act.

We have considered materials on record. Petitioner had made statement admitting his guilt under section 108 of the Customs Act. Such statement remains unretracted till date.

Under such circumstances, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However keeping in mind the protracted period of detention suffered by the petitioner we request the trial court to exhaust all processes to ensure the attendance of the absconding accused persons and in the event such attendance cannot be procured in

spite of all efforts, to declare them as proclaimed offenders and proceed to the next stage of the proceeding with utmost expedition and conclude the proceeding at an early date.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)