

10.08.2022
cm/ct 28

C.R.M. (NDPS) No. 903 of 2022

sl. no. 8

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **English Bazar P.S Case No. 1556 of 2021** dated **10.11.2021** under Sections **21 (C)/29/27(A)** of the N.D.P.S. Act.
And

Rejected

In Re : Raju Horijan @ Harijan @ Dhiraj.

..... petitioner.

Mr. Sourav Chatterjee
Mr. Amit Ranjan Pati

..... for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Majhi

..... for the State

Petitioner is in custody for 273 days. It is contended that there is delay in commencement of trial.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document namely, seizure list disclose recovery of narcotic substance i.e. 315 grms. of brown sugar recovered from a vehicle which was under the control and custody of the petitioner and co-accuseds.

In view of the aforesaid incriminating materials and in the light of the statutory restrictions under Section 37 of the N.D.P.S. Act, we are not inclined to grant bail to the petitioner on merits.

On the issue of delay is due to abscondence of co-accuseds. Hence, we are not inclined to grant bail on such score too.

Accordingly, the prayer for bail of the petitioner is rejected.

However, in view of the aforesaid facts we request the trial court to take necessary steps to ensure the attendance of co-

accuseds and in the event their attendance cannot be procured in spite of exhaustion of all processes to declare him as proclaimed offender to proceed with the trial of the accused before the court in accordance with law.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)