

21.04.2022
Serial no.36
KS

CRM 8433 of 2021

In re: An Application for bail under Section 439 of the Code of Criminal Procedure in connection with N 85/2016 arising out of NCB Crime No.24/NCB/KOL/2016 under Sections 21(C)/25/27A/29 of the N.D.P.S. Act, 1985.

-And-

In the matter of: **Prafulla Chakraborty & Anr.**

Mr. S. S. Saha
.....for the petitioners
Mr. Kallol Mondal
Ms. M. Dutta
.....for the N.C.B.

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that, despite the order dated November 28, 2018 passed in the earlier application for bail, the trial did not progress. Only one prosecution witness was examined in full and the second prosecution witness is yet to be examined in full.

Learned advocate for the N.C.B. submits that one of the co-accused jumped the bail granted. Ultimately, application for issuance of proclamation and attachment was made. The fleeing of the co-accused contributed to the delay in the disposal of the trial. The delay in disposal of the trial cannot be attributed to the prosecution. The co-accused who fled contributed to it.

Considering the fact that the commercial quantity of narcotic was seized from the possession of the petitioners and considering the fact that there is material change in favour of the petitioners, we are unable to grant bail to the petitioners.

In such circumstances, prayer for bail of the petitioners is rejected and the application being CRM 8433 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)