

23.12.2022
Sl. No.17
akd
[Rejected]

C. R. M. (NDPS) 1536 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Basirhat Police Station Case No.1102 of 2019 dated 07.10.2019 under Section 21(c) of the NDPS Act and Sections 188/379/411/413/414 of the Indian Penal Code.

And

In Re: ***Rahul Das***

... .. Petitioner

Mr. Angshuman Chakraborty

Mr. Shanshanka Shekhar Saha

... .. for the petitioner

Mr. Sanjay Bardhan

Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in the trial of the case.

Learned Advocate appearing for the State opposes the prayer for bail and submits delay was due to abscondence of co-accused.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance above commercial quantity from the possession of the petitioner. Delay was due to abscondence of co-accused. 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.

The application for bail is thus **rejected**.

Trial court is directed to exhaust all processes for ensuring attendance of co-accused and in the event his attendance cannot be procured inspite of exhaustion of such processes, to declare him as a proclaimed offender and proceed with the trial with utmost expedition.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

