

23.12.2022
Sl. No.20
akd
[Rejected]

C. R. M. (NDPS) 1539 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2022 in connection with Jiaganj Police Station Case No.102 of 2021 dated 09.06.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.105 of 2021)

And

In Re: **Satyam Mandal @ Satyam Mondal**

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Baishakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 500 days.

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 i.e. 35 kgs. of *Ganja*, which is above commercial quantity from the joint possession of the petitioner and co-accused. 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.)

