

24.01.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 55 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No. 33 of 2020 in connection with NCB Crime No.05/2020 under Sections 21(C)/35/29 of the NDPS Act.

In the matter of : Raghubir Singh.

... Petitioner.

Mr. S. Bandyopadhyay.

...for the Petitioner.

Mr. Anirban Mitra,
Mr. Sagar Saha.

...for the NCB.

Petitioner has prayed for bail on the ground of inordinate delay in trial. He is in custody for more than two years. Charge has not been framed.

Communication by NCB to the learned Advocate is placed on record. From the communication it appears co-accuseds viz., Damandeep Singh and Shahjahan Sardar were absconding. Damandeep Singh was arrested on 3.4.2022. Shahjahan Sardar was arrested on 12.01.2023. Today is fixed for supply copy to the co-accuseds.

From the aforesaid materials, it appears that delay is attributable to the petitioner and prosecution may not be held liable for the delay.

Under such circumstances and in view of the materials disclosing recovery of 15,000 bottles of phensedyl syrup containing codeine phosphate from the possession of the

petitioner and co-accuseds, we are not inclined to grant bail to the petitioner.

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

We, however, request the trial court to consider the issue of framing of charge at the earliest preferably within three months from the next date fixed before the said court and upon the charge being framed to take the proceeding to its logical conclusion without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)