

30.01.2023
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 93 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with NDPS Case No.10 of 2016 arising out of NCB Crime No.21/NCB/KOL/2016 dated 09.06.2016 under Sections 8(c)/15(c)/29 of the NDPS Act.

And

In Re: ***Samir Das***

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... .. for the petitioner

Mr. Kallol Kumar Basu

... .. for the NCB

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than six years.

Learned Advocate for the NCB submits proceeding before the trial court was stayed by a learned Single Judge in CRR 2066 of 2019 pending further investigation into the role of co-accuseds viz. Rupesh Agarwal and Asadullah Biswas. Stay is still continuing.

We have considered the materials on record. Petitioner had approached for bail earlier in CRM (NDPS) 617 of 2022. Noticing the aforesaid piquant situation, this Bench gave liberty to the petitioner to approach the learned Single Judge in CRR 2066 of 2019 for modification of the stay order so that the trial may continue. Petitioner sat over such liberty and has again approached this Bench for bail. Conduct of the petitioner in not approaching the learned Single Judge and seek modification of the stay order is not appreciated.

Though the detention of the petitioner is considerable, in view of the aforesaid conduct, we are not inclined to grant bail to the petitioner.

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

Petitioner is at liberty to approach the learned Single Judge as directed in our earlier order dated 29.06.2022 in CRM (NDPS) 617 of 2022, if so advised.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)