

10.02.2023

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rejected

C.R.M.(NDPS) No. 176 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 389 of 2020 dated 11.11.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Rinku Mondal petitioner

Ms. Minoti Gomes
Ms. Chandrima Debnath
... for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta
Mr. Bitasok Banerjee
.... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. He has prayed for bail on the ground of delay.

Learned Counsel for the State opposes the prayer for bail. He submits delay is on the ground of co-accuseds. As a consequence of non-appearance, charge could not be framed.

We have considered the materials on record. Delay in framing of charge is due to non-appearance of co-accuseds and cannot be attributed to the prosecution. Presently, charge has been framed and there are ample materials showing recovery of narcotic substance i.e. 400 bottles of phensedyl syrup containing codeine phosphate from the petitioner and co-

accuseds. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to conduct the trial expeditiously and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)