

08.02.2023

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rejected

C.R.M. (NDPS) No. 210 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Raghunathganj Police Station Case No. 389 of 2020 dated 07.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Ershad Ali Ansari & Anr. petitioners

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

... for the petitioners

Mr. Saryati Datta

... for the State

Learned Counsel for the petitioners submits they are in custody for two and half years. It is also submitted that there is inordinate delay in trial. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits delay was due to non-appearance of co-accused. Warrant of arrest was issued against them. Date has been fixed for recording prosecution evidence.

We have considered the materials on record. There are materials showing recovery of narcotics i.e. three litres of codeine phosphate from the joint possession of the petitioners and co-accused. On the score of delay, we note delay was engineered due to abscondance of co-accused. Charge has been framed and date has been fixed for recording prosecution evidence.

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

The application for bail is, thus, rejected.

Trial court is directed to conclude the trial as expeditiously as possible 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.)