

24.02.2023
Sl. No.9
akd
[Rejected]

C. R. M. (NDPS) 335 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.02.2023 in connection with Liluah Police Station Case No.65 of 2019 dated 15.03.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Abu Siddique Sk.***

... .. Petitioner

Mr. Soumya Basu Roy Chowdhuri

... .. for the petitioner

Mr. Sanjay Bardhan

Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four months. It is further submitted there is slow progress in trial.

Learned Advocate for the State opposes the prayer for bail and submits delay was due to COVID pandemic prevailing in 2021 as well as abscondence of co-accused viz. Sanjay Ghosh.

We have considered the materials on record. Charge was framed against the petitioner and co-accused in 2019. Sanjay Ghosh, another accused could not be arrested. Subsequently, he was arrested and in February, 2022, charge was framed against him. Thereafter, Sanjay again absconded. COVID pandemic also contributed to the delay. In view of the aforesaid circumstances, we are of the opinion delay has been contributed to a substantial extent by an absconding accused. Prosecution cannot be made responsible for the delay. 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 take steps for declaring absconding accused viz. Sanjay Ghosh a proclaimed offender and to proceed with the trial of the petitioner as expeditiously as possible.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)