

21.03.2023.  
10.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (NDPS) 434 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No. 22 of 2020 arising out of Kaliachak P.S. Case No.314 of 2020 dated 19.04.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Minnatullah.

... Petitioner.

Mr. Rana Mukhopadhyay,  
Mr. Rhiddhiman Mukherjee.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than two years. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits 255 grams of heroin was recovered from petitioner and co-accused. No recovery was made from other accuseds who are on bail. Delay is due to abscondence of accuseds.

We have considered the materials on record. Statements of witnesses show recovery i.e. 255 grams of heroin from the joint possession of petitioner and one Pankaj De. They do not stand on the same footing with the co-accuseds who are on bail. Delay is due to abscondence of accuseds and cannot be attributed to the prosecution.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**