

23.03.2023.
18.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 476 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 17 of 2021 arising out of Chapra P.S. Case No.57 of 2021 dated 06.02.2021 under Section 21(C)/29 of the NDPS Act.

In the matter of : Sariful Mondal.

... Petitioner.

Mr. Sumanta Das.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Petitioner is in custody for more than two months.

He submits his wife i.e. co-accused is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for a protracted period of time. Proclamation and attachment order had been issued against him. Co-accused viz., Sabikul Kunahar @ Sabiku Nahar Mondal, who is on bail suffered incarceration for more than a year. Recovery was made from the house of the petitioner.

We have considered the materials on record. Recovery was made from the house of the petitioner. He absconded and was declared a proclaimed offender. He is in custody barely for two and half months. He does not stand on the same footing with his wife who had suffered incarceration for more than a year.

Under such circumstances, 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.)