

12.04.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 661 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl Case No.27 of 2019 arising out of NCB Crime No.22/NCB/Kol/2019 under Section 8(c) read with Sections 21(c)/25/29 of the NDPS Act.

In the matter of : Soumo Sarkar.

... Petitioner.

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk,
Ms. Susmita Ghorai.

...for the Petitioner.

Mr. Ranjan Kr. Sinha,
Ms. Tanusree Ghosh.

...for the NCB.

Petitioner is in custody for more than three years. He submits there is delay in trial. He prays for bail on such score.

Learned Advocate for the NCB submits delay was engineered by accused persons. One of the co-accused viz., Atul Tiwari absconded. Subsequently, prayer for discharge has been made by co-accused viz., Samir Dey. Matter is fixed for consideration of charge as well as discharge.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of large quantity of narcotics i.e. 25,000 bottles of phensedyl syrup containing codeine phosphate from the petitioner. He does

not stand on the same footing with co-accused who are on bail. Delay in the matter was initially due to the abscondence of a co-accused and thereafter on the score of other systemic reasons as well as prayer for discharge of co-accused.

Keeping in mind the aforesaid circumstances and the prima facie involvement of the petitioner in trafficking a large volume of narcotics, we are not inclined to grant bail to the petitioner.

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

We request the trial court to consider the issue of charge including the prayer for discharge of the co-accused on the next date fixed and if it is unable to do so positively within two months thereof. Thereafter, in the event charge is framed against the petitioner, trial court shall proceed with the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

Parties shall communicate the order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)