

10.05.2023.
12.
Ct.No.28.
As
Rejected.

C.R.M. (NDPS) 844 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS seizure Case No.S/C No.03/NDPS/CL/BCPU/CCP/WB/2020-2021 dated 02.03.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sagar Mondal.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioner.

Mr. Bhaskar Prosad Banerjee,
Mr. Abhradip Maity.

...for the Customs Authority.

Petitioner is in custody for over two years. He submits there is slow progress in the matter. He prays for bail.

Learned Advocate for the Customs submits delay is due to abscondence of the co-accused. Narcotic substance i.e. 6.60 ltrs. cough linctus syrup containing codeine phosphate above commercial quantity was recovered from the petitioner.

We have considered the materials on record. Medicinal product containing codeine phosphate above commercial quantity which was intended to be used for non-medicinal purpose was recovered from the petitioner. Due to abscondence of co-accused, charge has not been framed. He does not stand on the same footing with other

co-accused who were implicated on the basis of statement recorded under Section 67 of the NDPS Act which is inadmissible in law.

In view of principal role played by the petitioner and as delay is due to abscondence of co-accused and cannot be attributed to the prosecution, 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 framing charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)