

25.04.2023.
16.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 860 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.211 of 2016 arising out of NCB Crime No.43/NCB/KOL/2016 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Ruban Mohana Sundaram.

... Petitioner.

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Ms. Dhanasree Biswas,
Ms. Poulami Bose,
Mr. Arka Chakraborty.

...for the Petitioner.

Mr. Sagar Saha.

...for the NCB.

Petitioner submits he was on bail. Amount of narcotics recovered is below commercial quantity. Due to pandemic condition, he wanted to return to his home country. He was arrested in Tamil Nadu and produced before this court. There is no possibility of trial commencing in the near future. He prays for bail.

Learned Advocate for the NCB opposes the bail prayer. He submits petitioner is a foreign national. Earlier he was enlarged on bail. But he violated the conditions and had absconded. He tried to flee the country and was arrested at Tamil Nadu. He has been convicted on such charge. Co-accused is absconding. In the event he is released on bail, he may be absconded.

We have considered the materials on record. Conduct of the petitioner is not appreciable. Though one may understand his desire to go to his home country due to pandemic

condition, we fail to appreciate why the petitioner did not take recourse to legal means. Instead he tried to leave the country on the strength of a fake passport and has been convicted on such charge.

In view of the aforesaid conduct of the petitioner, we do not find it safe to release the petitioner on bail at this stage.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)