

25.04.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 861 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.16 of 2020 arising out of STF P.S. Case No.12 of 2020 dated 21.02.2020 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Hanif Sk.

... Petitioner.

Mrs. Sonali Das.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than three years. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits delay in the matter is due to abscondence of co-accused.

We have considered the materials on record which prima facie show recovery of narcotics above commercial quantity i.e. 8.324 kgs. of yaba tablets from the petitioner and co-accused. Interim bail of co-accused was cancelled by a Co-ordinate Bench of this Court. Thereafter, they had absconded. Delay in the matter 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.)

