

16.05.2023

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rejected

C.R.M.(NDPS) No. 979 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No., 17/NCB/KOL/2021 dated 23.05.2021 under Sections 21(c)/28/29 of the NDPS Act and Section 8(c) of the NDPS Act.

And

In Re : Apurva Mandal & Anr. petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Mr. Arun Maity (Mohanty)

Mr. Subrata Santra

..... for the NCB

Learned Counsel appearing for the petitioners submits there is delay in the matter. They renew their prayer for bail.

Learned Counsel for the NCB opposes the prayer for bail and submits delay is due to abscondence of co-accused.

We have considered the materials on record. 1350 bottles of Phensedyl Syrup containing codeine phosphate was recovered from the petitioners when the consignment was sought to be transported across international border. Petitioners were arrested at the spot. Their bail prayer has been turned down earlier on merits. Delay in trial is due to abscondence of co-accused. 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 petitioners.

The application for bail is, thus, rejected.

Trial Court is directed to take necessary steps to ensure the attendance of the absconding accused and in the event their attendance cannot be procured inspite of exhaustion of all processes to declare them as proclaimed offenders and proceed with the case against the petitioners and other co-accused with utmost expedition without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)