

28.07.2023

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rejected

C.R.M.(NDPS) No. 1292 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 314 of 2020 dated 19.04.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Pankaj Dey petitioner

Mr. Sumanta Das

....for the petitioner

Mr. Saryati Datta

..... for the State

Learned Counsel for the petitioner submits he is in custody for three years. It is also submitted there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the co-accused was turned down in 2023.

We have considered the materials on record. There are ample materials showing recovery of narcotics above commercial quantity i.e. 255 grams of Heroin from the joint possession of the petitioner and co-accused. Hence, we are not inclined to grant bail to the petitioner on merits.

On the score of delay we note bail prayer of the co-accused was turned down in 2023. Delay was due to abscondence of co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)