

21.08.2023.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1415 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case being No.49 of 2021 arising out of Kaliachak P.S. Case No.619 of 2021 dated 13.06.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mabud Sk. @ Imran.

... Petitioner.

Mr. Mazahar Hossain Chowdhury,
Mr. Mobashshara Alam.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

1. Petitioner is in custody for more than two years.

He submits there is delay in trial. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends 305 grams of heroin was recovered from the petitioner and co-accused. Charge has already been framed. Delay in the matter is due to abscondence of co-accused.

3. We have considered the materials on record. Narcotics above commercial quantity was recovered from petitioner and co-accused. Bail prayer of co-accused was rejected earlier on merits in July, 2022. Thereafter, co-accused absconded and delay cannot be contributed to the prosecution.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

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

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)