

25.08.2023

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rejected

C.R.M.(NDPS) No. 1441 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 : Minnatullah

.... Petitioner

Mr. A. Banerjee

Mr. P. Ghosh

....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

..... for the State

1.Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted that there is no progress in the matter since rejection of bail by this Court. He renews his bail prayer.

2.Learned Counsel for the State opposes the bail prayer and submits bail prayer of the petitioner was rejected on merits in March, 2023. Delay is due to abscondence of the co-accused.

3.We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in March, 2023. Materials on record show recovery of 255 grams of Heroin from the joint possession of the petitioner and co-accused. Delay is due to abscondence of co-accused and there is hardly any

change in the circumstances since then. Under such circumstances, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. Keeping in mind the protracted period of detention suffered by the petitioner we direct the trial court to take prompt steps and expedite the trial at an early date without granting unnecessary adjournment to either of the parties.

6. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)