

28.08.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1447 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.120 of 2021 arising out of English Bazar P.S. Case No.1556 of 2021 dated 10.11.2021 under Sections 21(C)/29/27(A) of the NDPS Act.

In the matter of : Moni Sk.

... Petitioner.

Ms. Minoti Gomes,
Mf. Mounick Ghosh.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi

...for the State.

1. Petitioner is in custody for one year and nine months. It is submitted there is no progress in the matter since rejection of bail by this Court.

2. Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected earlier in April, 2023. Thereafter, co-accused approached this Court by filing criminal revisions and the case was delayed.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier in April, 2023. By that order, trial court was directed to dispose of the case expeditiously. Co-accused absconded resulting in delay. One of the accused approached this Court in CRR 3641 of 2022. Another absconding co-accused Dipankar Sarkar also approached this Court in CRR 2576 of 2023. He was directed to appear before the Court and he finally appeared on 21.07.2023. As per direction of this court,

there was stay of the trial court proceeding for sometime. Quantity of narcotics recovered from the petitioner was above commercial quantity.

4. From the aforesaid facts, it is clear the progress in the trial was hindered by repeated applications filed before this Court by absconding accused. Hence, delay cannot be attributed to the prosecution.

5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)