

03.10.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 1609 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2023 in connection with Malda Police Station Case No.359 of 2020 dated 29.06.2020 under Sections 21(c)/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act, 1940.

And

In Re: ***Abdul Motaleb Ali @ Motaleb Ali***

... .. Petitioner

Mr. Avinaba Patra

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that co-accused have been enlarged on bail. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits co-accused were in custody for more than three years. Petitioner had absconded for two years.
3. We have considered the materials on record. Petitioner had absconded for two years resulting in delay in trial. Co-accused suffered incarceration for more than three years and were enlarged on bail on the ground of delay. Petitioner cannot take advantage of his own wrong. He does not stand on the same footing with co-accused who did not abscond and have been enlarged on bail. Under such circumstances, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

