

10.10.2023
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 1657 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.10.2023 in connection with Balagarh Police Station Case No.115 of 2020 dated 23.08.2020 under Sections 29/20(b)(ii)(c) of the NDPS Act. (NDPS Case No.45 of 2020)

And

In Re: **Sayfuddin Sk. @ Saifuddin Sk.**

... .. Petitioner

Mr. Arunava Ganguly

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier on merits. Delay in the matter is due to abscondence of co-accused.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected in September, 2022. After rejection of bail of the petitioner on merits, trial was stalled due to non-appearance of co-accused. Ultimately, trial court was constrained to issue warrant of arrest against the said co-accused to ensure his attendance. Under these circumstances, it cannot be said delay in progress of trial is attributable to the prosecution. Possibility of the petitioner absconding, if released on bail, cannot be ruled out. Under such circumstances, we are of the opinion petitioner has failed to make out a case for bail either on merits or on the ground of delay in trial.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

