

20.11.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1759 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.162 of 2022 arising out of Raghunathganj P.S. Case No.549 of 2022 dated 01.07.2022 under Sections 21(c)/29 of the NDPS Act and Sections 182/465/468/471/475/120B of the Indian Penal Code.

In the matter of : **Ashoke Nunia.**

... Petitioner.

Mr. Anisur Rahman.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

1. Petitioner is in custody for about one year and four months. He submits there is no progress in the case. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner and co-accused were present in a Bolero vehicle which was used to transport narcotics above commercial quantity. Co-accused were absconding which resulted in delay. Bail prayer of the co-accused has been turned down in June, 2023.

3. We have considered the materials on record. It is alleged petitioner and co-accused were present in the vehicle which was used to carry 40 ltrs. of codeine mixture in a vehicle where a display board marked as "Police" had been set up. Bail prayer of co-accused has been turned down by a Co-ordinate Bench of this Court in June, 2023 on merits.

4. In view of the daring nature in which narcotics was illegally transported by petitioner and co-accused in a vehicle under the guise that it was a “police” vehicle and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

6. We request the prosecuting agency to ensure the attendance of other co-accused as promptly as possible and in the event, their attendance cannot be ensured inspite of exhaustion of all processes to declare them as proclaimed offenders and proceed against the petitioner and co-accused in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)