

16.01.2023.
06.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1499 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R. No. 7 of 2022 arising out of Golabari P.S. Case No.6 of 2022 dated 06.01.2022 under Sections 27(A)/28/29/30 of the NDPS Act.

In the matter of : Sk. Rashid @ Rasu Bhai.

... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Shiladitya Banerjee,
Mr. Abhijit Ganguly,
Mr. Diptangshu Basu.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for more than a year. He submits there is slow progress in the matter. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits report. From the report, it appears that the delay is due to the abscondence of the co-accused.

We have considered the materials on record. Prayer for bail of the petitioner was rejected earlier on merits. Keeping in mind the aforesaid fact and the materials on record, we are not inclined to grant bail to the petitioner.

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

Special Court is directed to exhaust all processes for apprehending the accused person and if the attendance of co-accused cannot be secured in spite of such exercise to declare

him as proclaimed offender and proceed to consider the issue of framing of charge against the petitioner in accordance with law at the earliest without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)