

18.12.2023

27

sdas

rejected

C.R.M.(NDPS) No. 1921 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 88 of 2022 dated 11.02.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sarikul Islam petitioner

Mr. Somnath Adhikary

Mr. Biswajit Sarkar

....for the petitioner

Mr. Antarikhya Basu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and ten months. It is also submitted charge has not yet been framed. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for consideration of charge but co-accused who are on bail did not appear and matter was adjourned.

3. We have considered the materials on record. Statements of the witnesses show recovery of 312 bottles of Phensedyl Syrup from the petitioner and co-accused. Date has been fixed for consideration of charge but due to non-cooperation of the accused charge could not be framed. Under such

circumstances, we are not inclined to grant bail to the petitioner either on merits or on the score of delay.

4. The application for bail is, thus, rejected.

5. Trial court is directed to consider the issue of framing of charge on the date so fixed and if it is unable to do so positively within one month thereof. If the co-accused do not cooperate trial court shall be at liberty to cancel his bail and issue appropriate processes to ensure his attendance in accordance with law.

6. Parties shall communicate copy of this order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)