

10.01.2023.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1509 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No. 33 of 2020 corresponding to NCB Crime No.05/2020/KOL under Sections 21(C)/35/29 of the NDPS Act and under Section 8(c) of the NDPS Act.

In the matter of : Abdul Halim Kazi @ Gazi @ Halim Kazi.
... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Rajdeep Majumder,
Mr. Somnath Adhikary.

...for the NCB.

Petitioner is in custody for more than two years. He submits there is no progress in the matter. He further submits no narcotic substance was recovered from his possession. He renews his prayer for bail.

Learned Advocate for the NCB opposes the prayer for bail.

We have considered the materials on record. Petitioner is a habitual offender and has criminal antecedents. A large volume of unaccounted cash was recovered from his possession *prima facie* establishing wrongful gain from unlawful narcotic trafficking. Call Data Records (CDRs) between petitioner and co-accused also corroborate such inference. His bail prayer was rejected earlier on merits. Delay in the matter was due to abscondence of co-accused and cannot be attributed to the prosecution.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

Trial court is directed to exhaust all processes to ensure attendance of the absconding accused and if in spite of such effort his attendance cannot be secured to declare the said accused as proclaimed offender and proceed to commit the case to the Court of Sessions at the earliest.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)