

19.12.2023.
26.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1969 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No. No.41 of 2021 arising out of NDPS Seizure Case No.S/C No.03/NDPS/CL/BCPU/CCP/WB/2020-21 dated 02.03.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Sagar Sk @ Sgar Mondal.**

... Petitioner.

Mr. Anisur Rahman.

...for the Petitioner.

Mr. K. K. Maiti,

Mr. A. Rajyashree.

...for the Customs Authority.

1. Petitioner is in custody for more than two years. He contends there is no progress in the matter since rejection of bail by this Court in May, 2023. He renews his bail prayer.

2. Learned Advocate for Customs Authority opposes the bail prayer. He contends delay was due to abscondence of co-accused. Presently, case has been fixed for consideration of charge.

3. We have considered the materials on record. Narcotics above commercial quantity was recovered from the petitioner. Co-accused had absconded and contributed to the delay. After rejection of bail of the petitioner in May, 2023 co-accused has been arrested and date has been fixed for consideration of charge.

4. Under such circumstances, we cannot say no steps have been taken by the prosecution in the matter.

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

6. We request the Trial Court to consider the issue of framing of charge on the next date fixed before it and if it is unable to do so, positively within one month thereof and in the event charge is framed to conclude the proceeding within one year from the date of framing of charge without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)