

19.12.2023.
34.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1978 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.215 of 2022 arising out of Raninagar P.S. Case No.453 of 2022 dated 15.10.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Altaf Molla @ Altab Molla @ Altaf Mollah & Anr.**

... Petitioners.

Mr. Anisur Rahman.

...for the Petitioners.

Mr. Debasish Roy, Id. P.P.-in-charge,
Mr. Navanil De.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. 1600 bottles of phensedyl syrup containing codeine phosphate above commercial quantity was recovered from the petitioners. Delay in the matter is due to abscondence of co-accused.
3. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioners.
4. Accordingly, the prayer for bail of the petitioners is rejected.
5. We direct the Trial Court to exhaust all processes for apprehension of the co-accused and in the event their attendance cannot be procured inspite of exhaustion of such

processes to declare them as proclaimed offender and proceed with the matter against the petitioner with utmost expedition.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)