

21.12.2023
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 2032 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with Malda Police Station Case No.556 of 2021 dated 12.11.2021 under Sections 21(c)/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act, 1940.

And

In Re: ***Masroor & Anr.***

... .. Petitioners

Mr. Santanu Deb Roy
Mr. D. Guha
Ms. Debapriya Majumder

... .. for the petitioners

Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and one month. It is further submitted there is inordinate delay in trial. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay has been engineered at the behest of co-accused.
3. We have considered the materials on record. One of the co-accused had absconded resulting in delay. After he was declared proclaimed offender and the case proceeded against others, other co-accused had prayed for discharge. In this backdrop, it cannot be said delay has been engineered at the behest of the prosecution. Keeping in mind the aforesaid facts and materials on record which show recovery of 20,000 bottles of *phensedyl syrup*, we are of the opinion this is not a fit case to grant bail to the petitioners either on merits or on the score of delay in trial.
4. The application for bail is thus rejected.

5. Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so positively within one month thereof and in the event charge is framed to take the proceeding to its logical conclusion without unnecessary delay.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)