

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

01.03.2023.
12/tkm

C.R.M. 879 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nagrakata P.S case no.91 of 2020 dated 13.9.2020 under sections 20(ii)(c)/25/29 IPC

and

In the matter of : Rajpal Singh

..... Petitioner

Mr. Tapas Ghosh
Mr. T Chowdhury
Mr. N Paul

...for the Petitioner

Mr. A S Chakraborty
Mr. Sourav Ganguly
Mr. Aniruddha Biswas

...for the State.

Petitioner is in custody for more than two years. He submits there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Delay is due to abscondence of co-accused and cannot be attributed to the prosecution. There are ample materials to show involvement of the petitioner in transporting 283.4855 kgs of ganja .

In view of the aforesaid materials on record and statutory restriction under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

We request the trial court to take appropriate steps for declaring absconding accuseds as proclaimed offenders and proceed with the trial against the petitioner at the earliest.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)