

10.01.2024
21
sdas
rejected

C.R.M. (NDPS) No. 42 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 08 of 2022 dated 13.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Manik Halder @ Manik Chandra Haldar petitioner

Mr. Jisan Hossain

Ms. Chandrima Debnath

....for the petitioner

Mr. Pinak Kumar Mitra

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years. It is also submitted there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits co-accused who is on bail did not appear before the trial court. As a result charge could not be framed and warrant had to be issued against the said accused.

3. We have considered the materials on record. There are ample materials to show petitioner was apprehended with narcotics above commercial quantity i.e. 58 bottles of Phensedyl Syrup. Delay in the matter is due to non-cooperation on behalf of the defence. Co-accused who is on bail did not attend the proceedings and warrant of arrest had to be issued. Hence, we are not inclined to grant bail to the petitioner on the ground of delay too.

4. Application for bail is, thus, rejected.

5. We direct the trial court to ensure consideration of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

6. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)