

18.01.2024
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rejected

C.R.M.(NDPS) No. 115 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No. 387 of 2019 dated 28.11.2019 under Sections 22(c)/29 of the NDPS Act.

And

In Re : Himanshu Singh petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

....for the petitioner

Mr. Ranadeb Sengupta

... for the State

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

2. Learned Counsel for the State opposes the prayer for bail and submits delay was due to abscondence of co-accused. As a result trial commenced in 2022 but one witness has been examined.

3. We have considered the materials on record. 1290 litres of Phensedyl Syrup containing codeine mixture was recovered from a vehicle. Petitioner was present in the vehicle. Delay in the matter is due to abscondence of co-accused. They have been declared as proclaimed offenders. Thereafter trial has commenced. One witness has been examined. Prosecution proposes to examine eleven witnesses in all. In view of the

aforesaid materials on record and as delay has been engineered by abscondence of co-accused we are not inclined to grant bail to the petitioner either on merits or on the ground of delay.

4. Accordingly, application for bail is rejected.

5. Trial court is directed to conclude trial by fixing schedules at short intervals preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)