

01.02.2024

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rejected

C.R.M.(NDPS) No. 169 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulti Police Station Case No. 423 of 2021 dated 23.08.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Md. Asif Ansari @ Chotu petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

....for the petitioner

Mr. Angshuman Chakraborty
... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and six months. It is also submitted there is delay in trial. He prays for bail. He submits supplementary affidavit in support of his plea. Let supplementary affidavit be kept with record.

2. Learned Counsel for the State opposes the bail prayer and submits report. Let the report be kept with record.

3. We have considered the materials on record. Narcotics above commercial quantity i.e. 21 Kgs. of Ganja was recovered from the joint possession of the petitioner and co-accused. Petitioner was apprehended at the spot. Subsequently co-accused were apprehended and as their complicity had transpired from the statement of other accused before police officer they were enlarged on bail. Bail prayer of the petitioner

was rejected on merits in July, 2023. Trial has already commenced and one witness had been examined. Thereafter as per order-sheet placed before us it appears on two dates co-accused who are on bail did not appear and warrant of arrest was issued against him. In view of the aforesaid state of affairs as one of the accused who was enlarged on bail had absconded we are of the opinion it is likely that the petitioner, if released on bail, may also abscond. Under such circumstances, we do not wish to grant bail to him at present.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)