

31.01.2024.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 190 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.32 of 2021 arising out of Malda P.S. Case No.159 of 2021 dated 31.03.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Abhiram Mondal.**

... Petitioner.

Ms. Sujata Das.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

1. Petitioner is in custody for more than two years and ten months. He contends there is slow progress in trial. Accordingly, he renews his bail prayer.

2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected earlier on merits. Delay in the matter is due to abscondence of co-accused and bail prayer of co-accused viz., Biswajit Ghosh was turned down in November, 2023.

3. We have considered the materials on record. 1.044 kgs. of heroin was recovered from a vehicle. Petitioner and co-accused viz., Biswajit Ghosh were present in the vehicle. Bail prayer of co-accused viz., Biswajit Ghosh has been turned down in November, 2023. As the delay was due to abscondence of co-accused, trial court was directed to conclude the trial preferably within two years in the order rejecting bail of Biswajit Ghosh. It is contended in the next

schedule no witnesses had turned up. However, the timeframe to conclude the trial has not come to an end. It cannot be said the prosecution has been given ample time to lead evidence. On the other hand, delay has been copiously contributed due to abscondence of co-accused.

4. Under such circumstances, we are not inclined to grant bail to the petitioner either on merits or on the ground of delay at this stage.

5. Accordingly, prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)