

02.02.2024

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rejected

C.R.M.(NDPS) No. 210 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 37 of 2022 dated 10.01.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re : Pappu Sagar Petitioner

Ms. Minoti Gomes
Mr. Mounick Ghosh

....for the petitioner

Ms. Amita Gaur

. ... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted trial has not commenced. 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.

3. We have considered the materials on record. Over 305 grams of Heroin which is above commercial quantity was recovered from the petitioner. Co-accused had absconded for a protracted period of time. Thereafter defence did not co-operate and copies could not be served. Under such circumstances we observe delay in the matter is due to non-co-operation of the accused and accordingly we are not inclined to grant bail to the petitioner either on merits or on the ground of delay.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)