

06.02.2024.
14.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 234 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.279 of 2021 arising out of Raghunathganj P.S. Case No.783 of 2021 dated 10.12.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Birendra Kumar Roy.**

... Petitioner.

Mr. Anisur Rahaman,
Mr. Maidul Islam Kayal.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Sonali Das.

...for the State.

1. Petitioner is in custody for more than two years. He submits there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends delay is due to abscondence of co-accused.
3. We have considered the materials on record. 65 kgs. of ganja was recovered from a vehicle. Petitioner was present in the vehicle. Though he is in custody for more than two years, delay in the matter is due to abscondence of co-accused. His bail prayer was rejected earlier on merits in July, 2023.
4. Under such circumstances, we are of the opinion petitioner is not entitled to bail either on the ground of delay or on merits.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. Trial court is directed to exhaust all processes for the purpose of ensuring attendance of absconding accused and if their attendance cannot be ensured inspite of exhaustion of such processes to declare them as proclaimed offender and proceed with the trial against the petitioner with utmost expedition.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)