

07.02.2024
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 240 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2024 in connection with Berhampore Police Station Case No.193 of 2022 dated 14.02.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.54 of 2022)

And

In Re: ***Abdul Hossain @ Abul Hossain***

... .. Petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Swapan Banerjee
Ms. Debjani Dasgupta

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 105 kgs. of *Ganja*, which is above commercial quantity from a vehicle. Petitioner was present in the vehicle. Bail prayer of co-accused was rejected in April, 2023. Case could not proceed due to abscondence of another co-accused i.e. the owner of the vehicle. Delay in the matter cannot be attributed to the prosecution but lies at the doorstep of an absconding co-accused. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
3. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

