

13.02.2024  
Sl. No.27  
**akd**  
[Rejected]

**C. R. M. (NDPS) 298 of 2024**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.01.2024 in connection with English Bazar Police Station Case No.106 of 2023 dated 20.01.2023 under Sections 22B/29 of the NDPS Act.

And

In Re: ***Sahidul Islam***

... .. Petitioner

Mr. Kazi M. Rahman

... .. for the petitioner

Ms. Faria Hossain  
Ms. Mousumi Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted there is no progress in the matter since rejection of bail by this court in July, 2023. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay is due to abscondence of co-accused. Subsequently they had appeared and date has been fixed for consideration of charge.
3. We have considered the materials on record. A large volume of narcotics i.e. 205 kgs. of *methamphetamine* i.e. *Yaba* tablets, which is above commercial quantity was recovered from the petitioner. His bail prayer was rejected on merits in July, 2023. Case could not proceed due to abscondence of co-accused who had not yet appeared before the trial court. Under such circumstances, prosecution cannot be held responsible for protraction of proceeding. Hence, we are not inclined to grant bail to the petitioner either on merits or on the ground of delay in trial.

4. The application for bail is thus rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**