

04.04.2024
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rejected

C.R.M.(NDPS) No. 308 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 858 of 2014 dated 29.09.2014 under Section 21(c) of the NDPS Act.

And

In Re : Sariful Islam Mondal @ Charu Mondal @ Saiful Islam Mondal Petitioner

Mr. Debanshu Ghorai
Mr. Anisur Rahman

....for the petitioner

Mr. Sujan Chatterjee
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and ten months. He prays for bail on the ground of delay in trial.

2. Learned Counsel for the State submits report and contends co-accused who was on bail has absconded for six years. He was finally arrested in 2020. Thereafter co-accused Bipul Mondal absconded from 2021. Accordingly, trial could not commence.

3. We have considered the materials on record. Allegations involve recovery of 5 liters of Codeine Mixture which is above commercial quantity. Petitioner was absconding for six

years and was arrested in 2020. Thereafter co-accused absconded and warrant of arrest came to be issued against him in 2021. As a result trial was delayed. From the aforesaid facts it is clear that the accused have contributed to the delay in trial by evading the process of law. Under such circumstances we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)