

29.02.2024.
29.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 384 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.44 of 2022 arising out of NCB Crime No.03/NCB/KOL/2022 under Sections 8(c) read with Sections 20b(ii)(c)/25/29 of the NDPS Act.

In the matter of : **Dipak Ranjan Pradhan & Anr.**
... Petitioners.

Mr. Pradip Kr. Kundu.
...for the Petitioners.

Mr. Abhra Mukherjee,
Mr. S. S. Saha.
...for the State.

Mr. Kallol Mondal,
Mr. Tirthapati Acharya.
...for the NCB.

1. Petitioners are in custody for more than two years. They submit trial has not commenced and renew their bail prayer.

2. Learned Advocate for the NCB contends 128.6 kgs. of ganja was recovered from a vehicle. Petitioners were present in the vehicle. Their bail prayer have been rejected on merits earlier. Delay in the matter is due to abscondence of other co-accused.

3. We have considered the materials on record. A large volume of ganja i.e. 128.6 kgs. of ganja was recovered from a vehicle. Petitioners were present in the vehicle. Their bail prayers were rejected earlier on merits. On the score of delay,

we note co-accused are absconding and prosecution cannot be held responsible.

4. Hence, we are not inclined to grant bail to the petitioners either on merits or delay in trial.

5. Accordingly, the prayer for bail of the petitioners is rejected.

6. We request the trial court to take prompt steps to exhaust all processes to ensure the attendance of co-accused and if their attendance cannot be secured to declare them as proclaimed offender and proceed with trial against the petitioner.

7. Parties shall communicate this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)