

03.04.2024.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 481 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.05 of 2023 arising out of Kandi P.S. Case No.762 of 2022 dated 30.12.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Ranjit Mondal & Swarup Choudhury.**
... Petitioners.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.
...for the Petitioners.

Mr. S. S. Imam,
Mr. A. Bhattacharyya.
...for the State.

1. Petitioners are in custody for one year and three months. They submit there is delay in trial. Accordingly, they pray for bail.

2. Learned Advocate for the State submits report. He contends delay is due to abscondence of co-accused viz., Salim Sk.

3. We have considered the materials on record. 1500 bottles of phensedyl syrup containing codeine phosphate above commercial quantity were recovered from petitioners.

4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to them on merits.

5. On issue of delay, we note charge could not be framed as co-accused viz., Salim Sk was absconding.

6. Hence, we are not inclined to grant bail to them on this score too.

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

8. We request the trial court to exhaust all processes to ensure attendance of Salim Sk and if his attendance can not be procured declare him as proclaimed offender and proceed to consider the issue of framing of charge against the petitioner and other accused at the earliest.

9. Parties shall co-operate and communicate this order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)