

13.03.2024
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 483 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Raghunathganj Police Station Case No.713 of 2022 dated 10.08.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.180 of 2022)

And

In Re: ***Biswajit Sarkar***

... .. Petitioner

Mr. Tanmoy Biswas
Ms. Puja Kar
Ms. Antara Mukherjee

... .. for the petitioner

Mrs. Sonali Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 600 days. It is further submitted petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 10,000 pieces of *Yaba* tablets, which is above commercial quantity from a truck. Petitioner was driving the truck. Delay in the matter was due to abscondence of 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.
4. The application for bail is thus rejected.
5. We observe in the event the attendance of the absconding accused cannot be ensured inspite of exhaustion of all processes, to declare them as proclaimed offenders and proceed with the consideration of charge and trial against the petitioner at the earliest.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)