

13.03.2024
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rejected

C.R.M.(NDPS) No. 486 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 457 of 2022 dated 06.05.2022 under Sections 21(c)/29 of the NDPS Act.

In Re : Abdulla Sk. @ Abu petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Akash Sarkar
....for the petitioner

Mr. Mainak Gupta
... for the State

1. Learned Counsel for the petitioner submits he is in custody for twenty two months. It is also submitted co-accused are on bail. Charge has not yet been framed. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits 500 gms. of Heroin was recovered from the petitioner whereas no narcotics was recovered from co-accused.

3. We have considered the materials on record. 500 gms. of Heroin was recovered from the petitioner. No narcotics was recovered from co-accused who have been enlarged on bail by this Court as well as the Hon'ble Apex Court. Delay in the matter is due to abscondence of one of the co-accused who has been released on bail. There is possibility that petitioner shall abscond if he is released on bail. Under such circumstances we

are of the opinion petitioner does not stand on the same footing with co-accused who have been released on bail. Accordingly, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Trial Court is directed to exhaust all processes for apprehension of the absconding accused and in the event his attendance cannot be ensured to declare him as proclaimed offender and proceed with consideration of charge and trial of the petitioner at the earliest.

6. Parties shall co-operate with the trial and communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)