

09.04.2024
Sl. No.8
akd
[Rejected]

C. R. M. (NDPS) 567 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.03.2024 in connection with English Bazar Police Station Case No.766 of 2021 dated 06.07.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Animesh Barman***

... .. Petitioner

Mr. Sujoy Sarkar
Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai
Mr. Rahul Chachan

... .. for the petitioner

Ms. Rajnandini Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits co-accused viz. Rabiul Hossain and Tiku Sk. were enlarged on bail. Thereafter, they absconded. This resulted in delay.
3. We have considered the materials on record. Statements of witnesses and other contemporaneous document i.e. seizure memo disclose recovery of narcotic substance i.e. 13.3 kgs. of *codeine phosphate*, which is above commercial quantity from the petitioner and Rabiul Hossain. Rabiul and another co-accused viz. Tiku Sk. were enlarged on bail. They absconded. Warrant of arrest was issued against them. Tiku Sk. has been arrested but Rabiul Hossain is still at large. In view of the aforesaid facts, it is clear delay in the matter is not attributable to the prosecution.

4. On the other hand, the accused persons show a propensity of abscondence. In this backdrop, we are not inclined to grant bail to the petitioner.
5. The application for bail is thus rejected.
6. Trial court is directed to take prompt steps for execution of all processes to ensure attendance of co-accused viz. Rabiul Hossain and if his attendance cannot be procured, to declare him as proclaimed offender and proceed against the petitioner with utmost expedition.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)