

01.05.2024
Sl. No.16
akd
[Rejected]

C. R. M. (NDPS) 710 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.03.2024 in connection with Malda Police Station Case No.359 of 2020 dated 29.06.2020 under Sections 21/29 of the NDPS Act and Sections 18(b)/27 of the Drugs and Cosmetics Act and subsequently charge sheet submitted under Sections 21(c)/29 of the NDPS Act read with Sections 18(b)/27 of the Drugs and Cosmetics Act.

And

In Re: ***Abdul Motaleb Ali***

... .. Petitioner

Mr. Souvik Mitter
Mr. Jayanta Kumar Das
Ms. Madhumanti Das

... .. for the petitioner

Mr. Arani Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and ten months. It is further submitted there is delay in trial. Charges have not been framed. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner is the owner of the truck which was used to transport narcotics i.e. 1000 bottles of *phensedyl syrup* containing *codeine phosphate*. He had absconded for a considerable period of time. Co-accused who were present in the truck were granted bail after incarceration for about three years. Abscondence by petitioner contributed to the delay. In view of his conduct, petitioner cannot claim parity with co-accused who are on bail. In view of the aforesaid, we are not inclined to grant bail to the petitioner either on merits or on the score of delay in trial.
4. The application for bail is thus rejected.

5. Trial court is directed to consider the issue of framing of charge positively within two months from the next date fixed and upon the charge being framed, to conclude trial as expeditiously as possible without granting unnecessary adjournment to either of the parties. Parties shall cooperate with the trial court in this regard.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)