

08.04.2024.
15.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 616 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.02 of 2023 arising out of NCB Crime No.02/NCB/Kol/2023 under Sections 20(b)(ii)(c) and 21(c) of the NDPS Act and under Section 8(c) of the NDPS Act.

In the matter of : **Alamgir Mondal.**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Sourav Mandal.

...for the NCB.

1. Petitioner is in custody for one year and three months. He submits charge has not been framed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits co-accused is absconding and warrant of arrest has been issued against him.
3. We have considered the materials on record. Statements of witnesses show recovery of 43 kgs. of ganja and 371 bottles of phensedyl cough syrup containing codeine phosphate from the residence of the petitioner.
4. In view of the aforesaid incriminating materials involving possession of narcotics above commercial quantity and in the light of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

5. On the score of delay, we note delay is engineered due to abscondence of co-accused. Prosecution is not responsible for the delay.

6. Accordingly, we are not inclined to grant bail to the petitioner on the ground of delay too.

7. Hence, the prayer for bail of the petitioner is rejected.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)