

18.04.2024.
19.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 672 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.121 of 2023 arising out of Kaliachak P.S. Case No.861 of 2022 dated 10.08.2022 under Sections 21(c)/25/27A/29 of the NDPS Act.

In the matter of : **Mojahid Sk.**

... Petitioner.

Md. Wasim Akram.

...for the Petitioner.

Mr. Saryati Dutta,
Mr. Arif Ekbal Molla.

...for the State.

1. Petitioner is in custody for one year and eight 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 had absconded. This has resulted in delay.
3. We have considered the materials on record. 603 gms. of heroin was recovered from a toto. Petitioner and co-accused were present in the toto. Delay is due to abscondence of co-accused. Date has been fixed for consideration of charge.
4. Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the trial court to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)