

01.05.2024
Sl. No.19
akd
[Rejected]

C. R. M. (NDPS) 740 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2024 in connection with Liluah Police Station Case No.130 of 2022 dated 02.04.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: **Zafar Khan**

... .. Petitioner

Mr. Soujanya Bandyopadhyay

... .. for the petitioner

Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over two years. 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 delay was due to abscondence of co-accused. Presently date has been fixed for consideration of charge.
3. We have considered the materials on record. Narcotics i.e. 107.46 kgs. of *Ganja* was carried in a vehicle. Petitioner was present in the vehicle. In view of the aforesaid incriminating materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merits.
4. On the score of delay, we note trial could not proceed due to abscondence of co-accused. Presently date has been fixed for consideration of charge. There is possibility petitioner may also abscond if he is released on bail. Hence, we are not inclined to grant bail to the petitioner on the score of delay in trial.
5. The application for bail is thus rejected.

6. Trial court is directed to consider the issue of framing of charge at the earliest preferably within two months from the next date fixed before the said court without granting unnecessary adjournment to either of the parties. Upon charge being framed trial shall be completed at an early date. Parties shall cooperate with the trial court in this regard.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)