

CRM (NDPS) 1745 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / 483 of the B.N.S.S. 2023 in connection with **Jalangi** P.S. Case No. 815 / 2014 dated 13.9.2014 under Sections 21(c) of NDPS Act

And

In the matter of: Saharul Biswas

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... for the petitioner

Mr. Ranadeb Sengupta
Ms. Madhumita Basak

...for the State

1. Heard the learned lawyers for both the parties.
2. Petitioner contends that his bail prayer was rejected earlier on an erroneous submission that he had absconded for ten years. He had been arrested in another case and was in custody till 2017. Thereafter, he is regularly appear in the said case but was not arrested. He surrendered in this case in April 2024 and since then is in custody. He prays for bail.
3. Learned lawyer appearing for the State contends petitioner had absconded for a considerable period and has criminal antecedent. Date has been fixed for consideration of charge.
4. We have considered the materials on record. Petitioner is involved in similar offence of dealing in narcotics and was arrested. He was in custody till 2017. After his release on bail no explanation is forthcoming why he did not surrender before the Trial Court for six years. In fact, his pre-arrest bail was rejected in 2022 and he surrendered only in 2023. His conduct is not appreciable and there is every possibility of the petitioner absconding if he is granted bail. Date has been fixed for consideration of charge. At this stage we are not inclined to grant bail to the petitioner.
5. We request the learned Trial Court to consider the issue of framing of charge at an early date preferably within a period of one month from the next date fixed for recording evidence and in the event charge is framed to take the proceeding to its logical conclusion.

6. Accordingly, the application for bail, is thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)