

21.01.2025
Item no. 28.
Court No.29.
AB
(Rejected)

CRM (NDPS) 1880 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda P.S. Case No.359 of 2020 Dated 29.06.2020 under Sections 21(C)/29 of the NDPS Act

And

In the matter of : Abdul Motaleb Ali @ Motaleb Ali

.....Petitioner.

Md. Wasim Akramfor the Petitioner.

Mr. Saryati Dutta
Mr. Debanik Dasfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected four times earlier. He primarily bases his prayer on Article 21 of the Constitution of India.
2. We see that 10000 bottles of phensedyl syrup were recovered from a commercial vehicle of which the petitioner is the owner.
3. The petitioner says that nothing was seized from him personally. The persons, who were apprehended from the place of seizure, have been granted bail.
4. We are conscious that the petitioner is in judicial custody for a long period of time. Charge has also not been framed for reasons which the State has not been able to explain to us. However, we are told that the

petitioner was absconding for more than two years. This is a case of 2020. The petitioner could ultimately be arrested in 2022. If we grant bail to the petitioner, there is a real possibility of the petitioner again disappearing. Hence, we are not inclined to entertain the petitioner's prayer for bail.

5. The prayer for bail is rejected.
6. CRM (NDPS) 1880 of 2024 is dismissed.
7. However, considering the long detention of the petitioner, we direct the learned Trial Court to take all possible steps so that the trial is expedited and concluded on an early date.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

