

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1897 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Raju @ Riyajul Mondal**

...petitioner.

Mr. Ashok Kumar Chowdhury

...for the petitioner.

Mr. Anil Kumar Gupta

Mr. L. Vishal Kumar

...for NCB.

Dictated by Arijit Banerjee, J.

1. Status report filed by Narcotics Control Bureau (NCB) be kept with the records.
2. The petitioner says that he has no connection with the alleged contraband items. Nothing was recovered from him. He has been implicated only on the basis of statements made by co-accused persons. He is in custody for 124 days. Investigation is complete. His further custodial detention is not necessary.
3. We find from the status report filed by NCB that huge number of bottles of phensedyl syrup containing codeine phosphate was seized on September 7, 2022. The petitioner, who is said to be the supplier of such contraband items, absconded for two years. Three notices under Section 67(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, were served on him asking him to co-operate in the investigation. He ignored the notices.

He did not co-operate. After his prayer for anticipatory bail was rejected, he surrendered.

4. We, therefore, see that the petitioner was absconding for two years. Statements of co-accused persons show *prima facie* involvement of the petitioner in the alleged crime.
5. In view of the aforesaid and considering that charge has already been framed on January 24, 2025 and there cannot be said to be any inordinate delay in trial, keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail. The prayer for bail is rejected.
6. The application being CRM (NDPS) 1897 of 2024 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)