

25.06.2021.
Item No.21
(Rejected)
ab/saswata

C.R.M. 2311 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2021 in connection with N.D.P.S. case no. 05/2018 arising out of NCB Crime no. 04/2018 (04/NCB/Kol/2018) under Sections 20(b)(ii)(B)/22(C)/28/29 of the Narcotics Drugs and Psychotropic Substance Act;

And

In the matter of : **Rafikul Islam Chowdhury**

... petitioner.

Mr. Mrityunjoy Chatterjee

...For the petitioner.

Mr. Y.J.Dastoor, Ld. ASG

Mr. Phiroze Edulji

Mr. Sagar Saha

...For the UOI.

This is an application for bail in connection with N.D.P.S. case no. 05/2018 arising out of NCB Crime no. 04/2018 (04/NCB/Kol/2018) under Sections 20(b)(ii)(B)/22(C)/28/29 of the Narcotics Drugs and Psychotropic Substance Act at the behest of the petitioner.

This is a renewal for bail at the behest of the petitioner. Earlier application for bail was rejected on 14th January, 2019 in CRM 386 of 2019. An identical plea has been taken by the petitioner that the other co-accused has already been enlarged on bail and the petitioner is still in custody. However, an agony and anguish has been shown over the delayed trial.

There is a specific finding in an earlier order that the petitioner do not stand at parity with the other co-accused who has been enlarged on bail and such finding cannot be disputed as it cannot come under the changed circumstances.

We appreciate the agony shown by the learned Advocate for the petitioner that the trial has not commenced.

We, therefore, request the trial court to take utmost efforts to ensue the trial at an earliest and the case shall be expedited.

Accordingly, the application for bail being CRM 2311 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)