

11.06.2021

(Sl. No. 139)

Ct. No. 28

(S. Banerjee/TB)

CRM 3105 of 2021

(through Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2021 in connection with Goalpukhur Police Station Case No. 466 dated 26.08.2014 under Sections 21/22 of the Narcotic Drgus and Psychotropic Substances Act along with 447/188 of the Indian Penal Code and Section 13(1) (a) of the Drugs and Cosmetics Act.

And

In the matter of: Masher Ali

...petitioner

Mr. Navanil De

... for the petitioner

Mr. Sanjoy Bardhan
Mr. Palash Chandra Majhi

... for the State

Counsel for the petitioner submits that the main accused has already been granted bail by a coordinate bench of this court on 5th December, 2014 in CRM 16452 of 2014.

This court notes that due consideration under NDPS Act has not been effected in the said order. Counsel for the State submits that the petitioner was absconding for about 7 years and has surrendered only in the year 2021.

In view of the above this court is unable to countenance the submissions of counsel for the petitioner that his client was always available at a particular place in West Bengal.

For the reasons stated here above, this court is unable to grant relief under Section 439 of the Code of Criminal Procedure.

The application for bail is, thus, dismissed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)