

27.09.2021

Court No.28
Item No.29
(REJECTED)

Saswata

CRM 4845 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dankuni Police Station Case No. 453 of 2016 dated 01.12.2016 under Sections 20(c)/25/29 of the NDPS Act;

And

In the matter of : **Riyajul Haque @ Riajul Hoque**
...Petitioner.

Mr. Rabiul Islam
Ms. Pramita Banerjee

...For the Petitioner

Mr. Sudip Saha
Mr. Apurba Kr. Datta

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No. 453 of 2016 under Sections 20(c)/25/29 of the NDPS Act.

This is a third round of litigation before this Court. The last application for bail, filed by the petitioner being CRM 11654 of 2018 was dismissed on 20th December 2018.

It appears from the record that on the leading statement of the petitioner, 96 bottles of phensedyl syrup was recovered from the public toilet.

A plea has been taken that the petitioner has been implicated solely on the basis of the statement of the co accused. Additionally, it is submitted that the petitioner stands on the same footing that of the another co accused, namely, Ratan Das, who has been enlarged on bail and, therefore, the petitioner is entitled to be released on bail on the ground of parity.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the commercial quantity of contraband was recovered

on the leading statement of the petitioner and, therefore, the petitioner is not entitled to be released on bail.

After hearing the respective submissions, the point that the co accused has already been enlarged on bail, does not appear to be available to the petitioner in the instant application. The role of Ratan Das in commission of the said offence, has been categorically narrated in the order dated 20th December 2018 and it has been held that the petitioner does not stand on the same footing that of the said co accused and, therefore, not entitled to be released on the ground of parity.

It further appears that on the leading statement of the petitioner, the commercial quantity of contraband was recovered and, therefore, the petitioner has not been able to make out a case for taking exception to Section 37 of the NDPS Act.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being CRM 4845 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Bibek Chaudhuri,J.)