

24.12.2021
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Ct. No 29
KAUSHIK
(rejected)

C.R.M. 7312 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime** No. **01/CL/NDPS/P&I/WB/2013** dated **09.05.2013** under Sections 22(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Lokenath Pramanick petitioner

Mr. A.Chakraborty
Mr. D.Kar
Mr. H.Mustafi

... for the petitioner

Mr. Vipul Kundalia
Ms. Aishwarya Rajyashree
Ms. Sammriddhi Majumdar
Mr. Anurag Roy

... for the respondent no.1.

Petitioners seeks parity with the co-accused, who was granted bail in CRM 414 of 2020 on January 14, 2020.

Learned advocate appearing for the Customs Authority submits that, the person who was granted bail subsequently did not complied with the conditions of bail leading to the cancellation of such bail by the order dated February 5, 2020 by the Jurisdictional Court.

As the bail of the co-accused is cancelled, we are of the view that the petitioner cannot claim parity with that co-accused. In any event, commercial quantity of narcotic was seized from the joint possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions

under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected and the application being CRM 7312 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)