

19.01.2021

Item no.03
Court No.28
Avijit Mitra

C.R.M. 8285 of 2020 (via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Rakibullah Gazi @ Monpakhi

.... petitioner

Mr. Uso Ali Dewan,
Mr. Riaz Dewan,
Mr. Asif Dewan

....for the petitioner

Mr. Binay Panda,
Mr. Subham Bhakat

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chakdaha Police Station Case No.363 of 2019 dated 04.08.2019 under Sections 21(C)/22(C) of the N.D.P.S. Act.

Mr. Dewan, learned advocate appearing for the petitioner submits that the petitioner was a passenger in the car from which contraband substance was recovered. The driver of the car namely, Suraj Dewan has already been granted *interim* bail on 28th April, 2020 and on the ground of parity, the petitioner should not be detained any further.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

It appears that the order dated 28th April, 2020 was passed in an application preferred by Suraj Dewan taking into consideration the prevailing pandemic situation. *Prima facie*, the materials in the case diary reveal involvement of the petitioner in the alleged offence and in view thereof, we are not inclined to grant bail at this stage.

The application for bail being C.R.M. No.8285 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)