

25.11.2021

Item No.27

Ct.No.1

K.B/b.r.

Bail rejected

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

C.R.M. 946 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with CR (NDPS) Case No.26 of 2018 under Sections 20(b) (ii)(c)/23(c) of the NDPS Act, 1985 arising out of Siliguri P.S. No. 439 of 2018 dated 23.07.2018.

And

In the matter of : **Md. Firoz @ Md. Firoz Alam @ Md. Firoj @ Md. Firoj Alam.**
... Petitioner.

Mr. Shibaji Kumar Das

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly

... for the State.

Learned advocate for the petitioner submits that the accused person who is similarly placed has already been granted bail by the Hon'ble Court.

Learned advocate for the State draws the attention of this Court to the case diary and submits that the present petitioner along with another came to place the consignment while the other person who has been granted bail was the manager of the courier agency.

Having regard to the locus of the present petitioner and the accused person who has been granted bail, we are of the view that they are not on the same footing.

The recovery is of commercial quantity and as such the rigors of Section 37 of the NDPS Act are attracted.

Accordingly, the prayer for bail, being CRM 946 of 2021 is rejected.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)