

01.02.2022

Serial no. 28

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(Through Video Conference)

CRM(NDPS) 93 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **156** of **2020** dated **27.07.2020** (Corresponding to NDPS case No. **50/2020**) under **Section 21(c)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Jayanta Biswas & Anr.

... ...Petitioners

Ms. Rajnandini Das,
Mr. Kalyan Kumar Bhattacharjee, Advocates
... ... For the Petitioners

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Maghi, Advocates
... ...For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that one of the co-accused namely Monoj Agarwalla @ Pappu Agarwalla @ Pappu Agarwal was granted bail by the co-ordinate Bench in CRM 3786 of 2021 dated July 27, 2021 and Dhirendranath Chakraborty was granted bail by another co-ordinate Bench in CRM 5984 of 2021 dated September 23, 2021.

Learned advocate appearing for the State submits that the two co-accused who were granted bail by the co-ordinate Bench do not stand in the same footing as that of the petitioners. Commercial quantity of narcotics was recovered from the joint possession of the petitioners along with others.

It appears from the records that Monoj Agarwalla @ Pappu Agarwalla @ Pappu Agarwal was granted bail after returning a finding that no narcotic substance was recovered from him and that his name transpired from the statements of a co-accused made before the police. Dhirendranath Chakraborty was granted bail again on the ground that there was no mention of his name in the seizure list. In the facts of the present case, the seizure list names the two petitioners before us along with others. Commercial quantity of narcotic was seized from the joint possession of the petitioners along with two other persons.

Consequently we are of the view that the petitioners do not stand in the same footing as the two other co-accused who were granted bail by the co-ordinate Bench. Since the petitioners are unable to over the restrictions under Section 37 of the NDPS Act, 1985, we are not inclined to grant bail to the petitioners.

Prayer for bail is **rejected**.

CRM(NDPS) 93 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)