

02.02.2022

Sl. 51

Court No.29

suvayan

(Rejected)

C.R.M. (NDPS) 125 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.01.2022 in connection with **Bongaon** P.S. Case No. **574 of 2017** dated **07/06/2017** under Sections **21(C)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Dipak Adhikary

....petitioner.

Mr. Apalak Basu

Mr. Mukunda Lal Sarkar

...for the petitioner.

Mr. Parthaprati Das

Ms. Manasi Roy

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of the other co-accused who are granted bail by the co-ordinate Bench.

Learned Advocate appearing for the State submits that the last order of rejection of the prayer for bail of the petitioner is dated November 17, 2021. Such order was passed subsequent to the other co-ordinate Benches granting bail.

The last order of rejection of the petitioner is dated November 17, 2021 passed in CRM 2225 of 2021 where, the co-ordinate Bench returned the finding that commercial quantity of contraband was recovered from the leading statement of the petitioner and that the Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 stands attracted so far as the petitioner is concerned. The order dated November 17, 2021 is subsequent to the orders of the other co-ordinate Benches granting bail to the other co-accused. The petitioner is governed by the finding returned in the bail application of the petitioner which was rejected on November 17, 2021.

There is hardly any change in circumstances subsequent to the earlier order of rejection on November 17, 2021.

In such circumstances, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 125 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

