

CRM (NDPS) 527 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **20.5.2022** in connection with **Raninagar** Police Station Case No. **436** of **2019** dated **30.8.2019** under Sections **326/307/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act and adding Section **21(c)** of the NDPS Act.

And

In the matter of: **Bapan Sk @ Bapon Sekh**

....petitioner.

Mr. Tapadip Gupta

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody for a considerable period. Moreover, although the petitioner's prayer for bail was last rejected in December, 2021, the charge sheet has been filed thereafter, which furnishes a subsequent circumstance. It is further contended that no charges have been framed against the petitioner under the NDPS Act.

Learned counsel appearing for the State opposes the prayer for bail and submits that the statement under Section 161 of the Code of Criminal Procedure indicates direct involvement of the petitioner in the offence on other provisions of law, even apart from the NDPS Act.

Moreover, the petitioner has been absconding and was only apprehended after the charge sheet was filed.

Upon hearing the learned counsel for the parties, since the petitioner has been escaping arrest for a considerable period, we are not satisfied that the antecedents of the petitioner is sufficient to grant the benefit of bail to the petitioner.

Accordingly, CRM (NDPS) 527 of 2022 is rejected.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)