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30.05.2022
(PP)
Rejected

**In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side**

C.R.M. (NDPS) 538 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23rd May, 2022 in connection with NDPS Case No.29 of 2018 arising out of NCB Crime No.36/KOL/2018 dated 24th July, 2018 under section 8(c) read with Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

and

In the matter of: Md. Kalu @ Ataur Rahaman ...petitioner

Mr. Partha Sarathi Ghosh

...For the petitioner.

Mr. Dhiraj Trivedi,
Mr. Rajesh Kumar Shah

...For NCB.

This is an application for bail.

Learned advocate for the State opposes the prayer for bail.

We have heard the learned advocates for the parties and considered the materials in the case diary.

Considering the gravity of offence, petitioner's prima facie involvement and the fact that the petitioner's prayer for bail was rejected earlier and there is no subsequent change in circumstances in filing the present bail application, we are not inclined to grant bail to the petitioner. The judgment of the Hon'ble Supreme Court cited by the petitioner is factually distinguishable from the case in hand and as such not applicable to the instant case.

The application for bail is, thus, rejected.

(Subhendu Samanta, J.)

(Arindam Mukherjee, J.)

