

17.06.2022

24

sdas
rejected

C.R.M. (NDPS) 663 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hasnabad Police Station Case No. 748 of 2021 dated 28.12.2022 under Section 21(c) /29 of the NDPS Act.

And

In Re : Karim Adaldar petitioner

Mr. Sabir Ahmed

... for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... for the State

Statements of witnesses and contemporaneous documents i.e. seizure list and memorandum show recovery of narcotic substance from the possession of the petitioner.

In view of the aforesaid incriminating facts and prima facie involvement of the petitioner therein, we are not inclined to grant bail to the petitioner.

Parties relies on order of bail in CRM 5708 of 2018.

We have considered order in CRM 5708 of 2018 wherein the accused was enlarged on bail in the facts of that case. No binding precedent has been declared in the said order.

It ought to be borne in mind bail orders are passed in the factual backdrop in each case and it is incorrect to rely on them in support of bail prayer in other cases. Circumstantial flexibility, one additional or different fact may make a world of difference in two cases particularly criminal cases¹.

¹ Gangadhar Behera vs. State of Orissa, (2002) 8 SCC 381

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)