

C.R.M. 8690 of 2021

20.05.2022
Sl. 150
Court No.29
Sourav/
suvayan
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Memari** Police Station Case No. **416** of **2020** dated **12.09.2020** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Nurul Islam Sk @ Islam**

....petitioner.

Ms. Minoti Gomes

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Ranadeb Sengupta

...for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner claims parity with regard to Bapi Samanta @ Nilmoni Samanta who was enlarged on bail on August 3, 2021.

Learned advocate appearing for the State submits that the prayer for bail was rejected thrice by this Hon'ble Court and one by the Hon'ble Supreme Court of India.

The last order of rejection is of the Hon'ble Supreme Court of India dated October 22, 2021 in relation to another co-accused. The petitioner and the co-accused whose prayer for bail was turned down by the Hon'ble Supreme Court, where part of the group of persons who were arrested with an aggregate quantity of 43Kgs. of Ganja which is governed under the NDPS Act, 1985.

Special Leave Petition directed against the order of rejection of the prayer for bail of the co-accused Sankar @ Shankar Mondal was rejected by the Hon'ble Supreme Court on October 22, 2021 which is subsequent to the order dated August 3, 2021. The claim for parity with Bapi Samanta @ Nilmoni Samanta is therefore without any basis. Since the petitioner is on the same footing as that of

Sankar @ Shankar Mondal, we are unable to enlarge the petitioner on bail. Moreover, there is hardly any material change in circumstances subsequent to the earlier order of rejection.

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

C.R.M. 8690 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

