

23.02.2023.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 276 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 38 of 2019 arising out of NCB Crime No.23/NCB/KOL/2019 dated 13.12.2019 under Sections 8(c) read with Sections 20(b)(ii)(c)/27A/28/29 of the NDPS Act.

In the matter of : Mohammed Chand. ... Petitioner.

Mr. Malay Bhattacharyya,
Mr. Dibakar Sardar.

...for the Petitioner.

Mr. Dipankar Dandapath,
Mr. Sagar Saha.

...for the NCB.

Petitioner is in custody for more than three years. Charge has not been framed. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits report.

From the materials on record as well the report, we note narcotics above commercial quantity was recovered from the petitioner. Petitioner does not stand on the same footing with the co-accuseds who are on bail. Petitioner had contributed to the delay. Proceedings are stalled due to a revision petition being CRR 2421 of 2022 filed before this Court.

Under such circumstances, we are not inclined to grant bail to the petitioner either on parity or on the ground of delay.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)