

24.03.2023

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rejected

C.R.M. (NDPS) No. 489 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 170 of 2021 dated 06.08.2021 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act.

And

In Re : Rabi Mandal @ Ravi @ Atahur petitioner

Mr. Kaushik Choudhury

... for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. Subrato Roy

... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner was driving the scooty wherefrom narcotics above commercial quantity was recovered. Co-accused, Madan Mohan Sarkar was not present at the place of occurrence and another co-accused has been granted statutory bail. Hence, they do not stand on the same footing with the petitioner who was driving the scooty.

Under such circumstances and in view of statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

