

10.04.2023
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rejected

C.R.M. (NDPS) No. 694 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 187 of 2022 dated 09.08.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Abul Khoir Molla petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... for the petitioner

Mr. Ranadeb Sengupta

... for the State

Learned Counsel for the petitioner submits co-accused are on anticipatory bail. He prays for bail on parity.

Learned Counsel for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with the said co-accused. No recovery was made from the co-accused who are on anticipatory bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document i.e. seizure memorandum show recovery of narcotics i.e. 14 bottles of Phensedyl Syrup containing Codeine Phosphate above commercial quantity from the petitioner. He does not stand on the same footing with co-accused who are on anticipatory bail. Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)