

18.08.2023

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rejected

C.R.M.(NDPS) No. 1395 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balurghat Police Station Case No. 294 of 2022 dated 27.04.2022 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the NDPS Act.

And

In Re : Pintu Dey Sarkar petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Kaushik Choudhury

Mr. Gour Hari Das

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

..... for the State

1. Learned senior Counsel for the petitioner submits he stands on the same footing with Jhantulal Chakraborty @ Bitla who has been enlarged on bail. He renews his bail prayer.

2. Learned Counsel for the State submits report. He contends petitioner does not stand on the same footing with the said co-accused.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. It was noted there were telephonic conversations between the petitioner and co-accused from whom narcotics was recovered. In addition thereto money trail between them had also been traced out. This corroborates the allegation of commercial transaction

between the parties in trafficking narcotics. Apart from CDRs showing communication between the said Jhantulal Chakraborty and co-accused no corroborating evidence had been collected during investigation. Hence, it cannot be said that the petitioner stands on the same footing with the said co-accused. His bail prayer was rejected earlier. He has criminal antecedents. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)