

22.09.2023

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rejected

C.R.M.(NDPS) No. 1564 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1134 of 2022 dated 05.10.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re : Miskat Sk. @ Enayet Sk. petitioner

Mr. Subhadeep Ghosh

... for the petitioner

Mr. Sanjoy Bardhan

Ms. Debjani Dasgupta

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 135 days. It is also submitted the house from where recovery was made had been sold earlier. Recovery was made from the kitchen of Kalu Sk. and not the petitioner. Co-accused are on bail/anticipatory bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the owner of the land on which the house had been constructed. Kalu Sk. is the son of the petitioner. Co-accused did not reside in the house wherefrom recovery was made. Hence, they do not stand on the same footing with the petitioner.

3. We have considered the rival submissions in the light of the materials on record. Land records show the house where narcotics was kept stood on the property belongs to the petitioner. Kalu Sk. is the son of the petitioner. Co-accused

who were granted bail/anticipatory bail do not stand on the same footing with the petitioner. Kalu Sk. is still absconding and investigation is in progress to apprehend him. In view of the relationship between the petitioner and Kalu Sk. who are related to each other as father and son, petitioner's release on bail at this stage would adversely affect the investigation particularly the efforts to avert the absconder son. Hence, we are not inclined to grant bail to the petitioner at this stage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)