

17.11.2023
Sl. No.13
akd
[Rejected]

C. R. M. (NDPS) 1751 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Nabagram Police Station Case No.32 of 2022 dated 01.02.2022 under Sections 21(c)/22/25/27A/28/29 of the NDPS Act. (NDPS Case No.41 of 2022)

And

In Re: ***Asraf Ali @ Firoj***

... .. Petitioner

Mr. Suman Bhanja

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. Co-accused has been granted bail by the Hon'ble Apex Court. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits co-accused was a lady and did not have criminal antecedents. Petitioner has criminal antecedents i.e. Murshidabad Police Station Case No.309 of 2018 dated 31.05.2018 under Section 21(c) of the NDPS Act.
3. We have considered the materials on record. Petitioner and co-accused were involved in manufacturing *Heroin*. Narcotics above commercial quantity was recovered. Co-accused who is on bail is a lady and has no criminal antecedents. On the other hand, petitioner was actively involved in the offence and has criminal antecedents. Under such circumstances, we are not inclined to grant bail to the petitioner.
4. The application for bail is thus rejected.

5. Trial shall be conducted in terms of the direction given in CRM (NDPS) 1712 of 2023.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)