

19.12.2023.

Item No. 45

ap
(Rejected)

C.R.M. (NDPS) 1989 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.12.2023 in connection with Kaliachak Police Station Case No. 236 of 2023 dated 02.03.2023 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Abu Mia & Anr. ...Petitioners

Mr. Mazahar Hossain Chowdhury. ...For the petitioners

Mr. Debasish Roy, Id. P.P
Ms. Rituparna De Ghose.For the State

1. The petitioners are in custody for 117 days. He contends that no narcotic was recovered from his possession. Co-accused have been granted anticipatory bail.

2. Learned Advocate for the State opposes the prayer for bail and contends unlike other co-accused (who are on bail) the petitioners were identified by the complainant but escaped from the spot.

3. We have considered the materials on record. Petitioners and co-accused were involved in smuggling of narcotics across international border. Police intercepted them. Petitioners were identified as one of the miscreants but fled from the spot. Hence, there are materials implicating the petitioners in smuggling of narcotics across international border. They do not stand on the same footing with the co-accused who have been granted anticipatory bail. The said co-accused had not been identified as the miscreants who had fled from the spot.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)