

21.03.2024

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rejected

C.R.M.(NDPS) No. 537 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1313 of 2021 dated 25.11.2021 under Sections 21(c)/22(c)/27A/28/29 of the NDPS Act.

And

In Re : Ruhul Amin Mirza @ Ruhul Amun Mirja Petitioner

Mr. Kalidas Saha

....for the petitioner

Mr. Antarikhya Basu

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted co-accused Rantu Kumar Singha has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner does not stand on the same footing with co-accused Rantu Kumar Singha. On the contrary, he stands on the same footing with co-accused Samayun Sk. @ Mastar whose bail prayer was rejected in January, 2024.

3. We have considered the materials on record. Rantu Kumar Singha was enlarged on bail on the ground that tower location of his phone did not match with the place of recovery of

narcotics. Petitioner cannot take advantage of this situation. On the other hand, statements of witnesses and seizure memorandum show he was the driver of the vehicle which was used to transport 1 kg of Heroin and 13700 Yaba Tablets. Bail prayer of his associate Samayun Sk. @ Mastar has been turned down in January, 2024. Charge has already been framed and dates for examination of the witnesses have been fixed between 9th to 11th April, 2024.

4. Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act we are not inclined to grant bail to the petitioner.

5. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)