

19.04.2024.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 680 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.185 of 2022 arising out of English Bazar P.S. Case No.1612 of 2022 dated 23.10.2022 under Sections 25/21(c)/27A/29 of the NDPS Act.

In the matter of : **Taramuddin @ Taramuddin Ahammed @ Mithu.**

... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Md. Kutubuddin.

...for the State.

1. Petitioner contends he is in custody for 93 days. No narcotics was recovered from his possession. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is the brother of the co-accused. He had absconded for one and half years causing delay. As a result, co-accused was enlarged on bail due to delay in trial.

3. We have considered the materials on record. Petitioner is the brother of the principal accused from whom narcotics was recovered. CDRs show telephonic communication between the two. He had absconded for one and half years. As a result, trial could not proceed and the co-accused was enlarged on bail.

4. In view of his conduct which generated the delay, petitioner cannot claim parity. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)