

CRM (NDPS) 1147 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NCB Crime No. 10/NCB/KOL/2022** dated **04.03.2022** under Section **20(b)(ii)(C)/29** of NDPS Act.

- A n d -

In the matter of : Md. Refajuddin Islam

.... Petitioner.

Mr. Sk. Toslim Ali,

... For the Petitioner.

Mr. Gouranga Kumar Das,

Mr. Pralay Bhattacharyya,

... For the NCB.

Order dictated by Partha Sarathi Sen, J.:

Learned Advocate for the petitioner seeks parity with another co-accused person who has been enlarged on bail by the Hon'ble Supreme Court in SLP Criminal No. 12692 of 2023.

Learned Advocate for the State opposes the prayer for bail on the following grounds:-

- (i) The co-accused Mantu Pal was a juvenile.
- (ii) 400 kgs of contraband was recovered from the possession of the accused-petitioner along with the other co-accused persons.
- (iii) Trial is in progress and out of 5 charge sheeted witnesses 2 prosecution witnesses have already been examined.
- (iv) The accused petitioner's application for bail was rejected by a Coordinate Bench on July 16, 2024 in CRM (NDPS) 1053 of 2024.

On perusal of the entire materials as placed before us, we are not convinced that the present accused petitioner is at all successful in overcoming the statutory restrictions under Section 37 of the NDPS Act. The petitioner's prayer for bail is hereby rejected.

CRM (NDPS) 1147 of 2024 is, thus, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)