

CRM (NDPS) 1331 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore Police Station** Case No. **654 of 2015** dated **24.11.2015** under Section **21(c)** of NDPS Act.

- A n d -

In the matter of : Matin Sk. @ Buchan @ Mutin Sk.

.... Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter Banu,
Ms. Neha Roy,

... For the Petitioner.

Mr. Saryati Santra,
Mrs. S. Bhar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he was granted bail by the learned Trial Court. Due to miscommunication he failed to attend the trial. Therefore, he was again arrested. He prays for bail.

2. While opposing the prayer for bail, learned Advocate for the State points out that the co-accused, namely, Rabiul Sk. was also granted bail by the learned Trial Court. He had misused the liberty granted and was accordingly re-arrested. His prayer for bail was turned down by a coordinate Bench on January 17, 2024. The present petitioner and Rabiul Sk. stand on the same footing. 4 liters of codeine mixture was recovered from their joint possession.

3. In view of the fact that commercial quantity of contraband item is involved, we are not inclined to allow the petitioner's prayer for bail.

4. Further reason is that the petitioner having been granted bail and having misused the liberty, he has disentitled himself to the privilege of bail.

5. CRM (NDPS) 1331 of 2024 is, thus, dismissed.

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)