

59.
20-11-2024
(ct. no.29)
debajyoti
(rejected)

CRM (NDPS) 1511 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raninagar Police Station Case No.114 of 2022 dated 23-03-2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Khorsed Sekh

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Md. G.N. Imrohi,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... For the Petitioner.

Mr. Kousik Kundu,
Mr. Dipankar Paramanick

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for four months. There was no recovery from him. Recovery was made from two persons riding a motorcycle of which the petitioner is the owner. He had permitted the said persons to use the motorcycle under an agreement. He further says that two co-accused persons who were riding the motorcycle have been granted bail by the Hon'ble Supreme Court. He also prays for bail.

2. Learned State counsel, opposing the prayer, points out that the Hon'ble Supreme Court granted bail to the co-accused persons on the ground of delay in progress of trial coupled with long incarceration of those persons for about two years. The petitioner is in custody for only four months

as he was absconding. His anticipatory bail prayer was rejected in March, 2023 and then, he surrendered only in July, 2024.

3. We do not find this petitioner to be on the same footing with the two accused persons who have been granted bail by the Hon'ble Supreme Court. All issues that the petitioner would like to urge before us pertain to facts and he will be at liberty to argue such points before the learned trial Court.

4. We are not inclined to allow the petitioner's prayer for bail, at this stage. The application for bail is, thus, **dismissed**.

5. We are told that the petitioner is suffering from various ailments. We direct the Superintendent of Baharampore Central Correctional Home to ensure that the petitioner receives due medical attention and all medical aid as he may need.

6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)