

02.01.2024.
10.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 2069 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.96 of 2022 arising out of TAPAN P.S. Case No.617 of 2022 dated 25.11.2022 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act read with Sections 411/414 of the Indian Penal Code.

In the matter of : **Arif Mondal.**

... Petitioner.

Mr. Sayan De,
Mr. K. Shome,
Mr. Sayan Kanjilal.

...for the Petitioner.

Mr. Avishek Sinha.

...for the State.

1. Petitioner is in custody for 81 days. He contends co-accused who is his father is on statutory bail. He prays for bail.

2. Learned Advocate for State opposes the bail prayer. He submits petitioner and co-accused were dealing in narcotics. Petitioner had absconded.

3. We have considered the materials on record. There are materials showing petitioner and co-accused were illegally smuggling narcotics and cattle across the international border. Petitioner had absconded for a protracted period of time. Co-accused has been released on statutory bail.

4. Under such circumstances, petitioner cannot claim parity with said co-accused who was granted statutory bail and in view of statutory restrictions under Section 37 of the NDPS Act, 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.)