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rejected

C.R.M.(NDPS) No. 2089 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 165 of 2023 dated 28.04.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Chandra Bhushan Singh @ Chandra Bushan Singh ..... petitioner

Mr. Anirban Chakraborty  
... for the petitioner

Mr. Koushik Kundu  
... for the State

1. Learned Counsel for the petitioner submits co-accused Mainul Sk. has been enlarged on bail. He is suffering from ailments. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner stands on a different footing. He is the owner of Subhi Subh Goods Carrier. He had transported narcotics above commercial quantity and passed the goods to M/s. Janata Goods Carrier owned by co-accused, Jaffar Ali. Bail prayer of the said Jaffar Ali was turned down earlier.

3. We have considered the materials on record. Petitioner does not stand on the same footing with the co-accused, Mainul Sk. but he is on parity with Jaffar Ali whose bail prayer had been turned down earlier. Under such circumstances and in view of statutory restrictions under

Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. With regard to submission that the petitioner is suffering from serious ailment we direct the Correctional Home Authorities to render appropriate medical treatment to the petitioner as and when required.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**