

15.05.2025

akb

Sl. 16

Ct.29

Rejected

CRM (NDPS) No. 517 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / correspondence under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sankrail Police Station Case No. 681 of 2023 dated 07.9.2023 under Section 20(c)/25/28/29 of the NDPS Act, 1985.

And

In re: Murad @ Murabbin Kazi & Anr. ... petitioners.

Mr. Debasis Kar

...for the petitioners

Mr. Joydeep Roy

Ms. Afrin Begum

...for the State

Petitioners herein have prayed for bail contending that their names transpired from the co-accused statement and nothing was recovered from their possession and that the persons, from whom the contraband substances was recovered have already been granted bail by this Court in CRM (NDPS) 1454 of 2024 and in CRM (NDPS) 4687 of 2023. He submits that the present petitioners are almost on the same footing and as such they may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State raised vehement objection contending that they have criminal antecedents. The petitioners were arrested on 10.8.2023 in connection with a separate case and are suffering incarceration in connection with that case. They have been arrested also in connection with the present case on 24.11.2023. As such they are not on the same footing with the other co-accused persons, who have already been enlarged on bail and if released on bail there is every likelihood to commit similar type of offence in future by the petitioners.

Having heard learned Counsel appearing on behalf of the petitioners and the State and that the petitioners have the criminal

antecedents and that the petitioner are not on the same footing with the other co-accused persons, who are already on bail and considering the restrictions imposed in Section 37 of the NDPS Act, petitioners prayer for bail is considered and rejected.

The application, being CRM (NDPS) 517 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)