

20.10.2020
SL No.7
AP

CRM 2829 of 2020
With
IA No: CRAN/1/2020 (Old No: CRAN 2945 of 2020) (Not Found)
With
IA No: CRAN/2/2020 (Old No: CRAN 4507 of 2020)
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali** P.S. Case No.**486 of 2019** dated **11.08.2019** under Sections **20(b)/25/17(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Ramesh Manju Bishnoi @ Ramesh Manju Bishnoi @ Ramesh Kumar Bishnoi**

....Petitioner.

Mr. Debashish Roy, Senior Advocate,
Mr. Sourav Chatterje,
Mr. Avik Ghatak,
Mr. Soumya Nag

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted on behalf of the petitioner that no narcotic substance was seized from his possession. It is further submitted on behalf of the petitioner that he was not present at the place of occurrence.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was one of the conspirators who was in active communication with the co-accused persons prior to the incident involving transportation of large quantity of narcotic substance across state borders. Copies of the call detail reports are placed on record.

Learned lawyer for the petitioner submits that the call detail records per se cannot be treated as evidence of conspiracy.

We have considered the materials on record. A large consignment of narcotic substance was being transported from Nagaland to the State of West Bengal. Investigation revealed active communication between the petitioner and the co-accused persons prior to the seizure of the articles. It appears one of the calls had been recorded even after seizure and arrest of the co-accused persons. In case of a conspiracy, conduct and/or communication between the conspirators as evident from the call detail records are relevant under Section 10 of the Evidence Act to prove the factum of conspiracy.

In view of the aforesaid fact and the gravity of the offence involving transportation of a large consignment of narcotic substance across state borders, we are of the opinion this is not a fit case to grant bail.

The application for bail is, thus, rejected.

Subsequently, all connected applications are also disposed of.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)