

30.09.2021
Item no.49.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No.4324 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.76 of 2020 under Sections 9A/25A/29 of the NDPS Act

And

In the matter of : Kadhira Ibrahim @ Kadir Ibrahim

.....Petitioner.

Mr. Avik Ghatak,
Mr. Sagnik Mukherjeefor the Petitioner.

Mr. Y. J. Dastoor, Id. ASG,
Mr. Phiroze Edulji,
Ms. Jayita Dharfor the Union of India.

The petitioner is one of the accused persons in connection with a case registered under Sections 9A/25A/29 of the NDPS Act, 1985.

The petitioner says that there was no recovery of contraband items from him. He is in custody for almost a year. There is no incriminating material against him. It is anybody's guess as to when the trial will commence or conclude. He should be enlarged on bail.

We have considered the material on record. The item that was recovered hidden inside a consignment of showpieces meant for export to Australia is Pseudoephedrine. He says,

relying on two judgments of the Delhi High Court reported at 2013 SCC Online DEL 4608 (*Niranjan Jayantilal Shah Vs Directorate of Revenue Intelligence*) and 2015 SCC Online DEL 7830 (*Manoj Kumar Vs Revenue Intelligence*) that Pseudoephedrine is not a narcotics substance. Hence, Section 37 of the NDPS Act would not be attracted.

We have seen the material in the case diary. The NCB says that the petitioner is one of the links in the chain of persons, which runs this racket. Pseudoephedrine is a controlled substance. Without licence, it cannot be sold.

Considering the nature of the allegation and the debilitating effect that this kind of activities have on the economy of our country and the prima facie incriminating material against the petitioner, we are not inclined to entertain the petitioner's prayer for bail.

C.R.M. No.4324 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)