

440
(AD) 01.12.2021

Court No.29

(Rejected)

C.R.M. 7295 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 09/11/2021 in connection with **NCB** Crime No.**66/NCB/KOL/2021** dated **31/07/2021** under Sections **8(c)** read with Section **20(b)(ii)(A)/22(c)/23/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 in connection with NDPS Case No.36 of 2021.

And

In the matter of: Toufik Ahmed alias Toufik Ahmed Khan

....petitioner.

Mr. Dipanjan Chatterjee

Mr. Dipayan Kundu

Mr. Santanu Talukder

...for the petitioner.

Mr. Y.J. Dastoor. Ld. ASG

Mr. Phiroz Edulji

Ms. Jayita Dhar

... for the Union of India.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 80 days. No contraband was recovered from the possession of the petitioner. The petitioner was sought to be implicated on the basis of the statement of the co-accused recorded under Section 67 of the NDPS Act, 1985.

Learned Additional Solicitor General submits that the Narcotics Control Bureau (NCB) filed the complaint with the jurisdictional Court. He draws the attention of the Court to the fact that one person was arrested with a small quantity of contraband. From his statement, two other persons were arrested from whom commercial quantity of contraband was seized. It is from the two other persons that the NCB got the information of the petitioner. The petitioner took delivery of one

packet containing commercial quantity of contraband. He, however, did not take delivery of the packet sent by post to him containing the contraband. NCB seized the packet sent by post to the petitioner.

Considering the gravity of the offence, the factual situation as contended on behalf of the NCB as noted above and considering the gravity of the offence and the complicity of the petitioner therein, we are of the view that the petitioner is unable to overcome the presumptions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. 7295 of 2021 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)