

CRM (NDPS) 82 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2022 in connection with NCB Crime No. 79/2021/NCB/KOL/2021 dated 25.11.2021 under Sections 8(c) read with Section 22(c)/28 and 29 of the NDPS Act.

-And-

In the matter of: **Molla Basir Ahmed @ Molla Basir Ahammed**
... ...Petitioner

Mr. Ayan Basu, Advocate

Mr. Sumit Routh, Advocate

Mr. Sourav Mukherjee, Advocate

... ... For the Petitioners

Mr. Amajit De, Advocate

... ... For the NCB

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 143 days. No recovery was made from the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody.

Learned Advocate appearing for the State submits that the petitioner in response to Section 67 notice stated that he was the master mind of the drug cartel. In any event he refers to the call details recording between the co-accused who was apprehended with commercial quantity of narcotics and the petitioner.

It is submitted on behalf of the petitioner that no narcotic was seized.

As to whether, any narcotic was seized or not one needs to wait for forensic report. The time for submission of forensic report is yet to expire.

Four persons were arrested with commercial quantity of narcotics. The call details recording between the petitioner and the co-accused arrested with commercial quantity of

narcotics suggests a nexus in between the petitioner and such co-accused. Consequently, the petitioner being in constructive possession of commercial quantity of narcotics seized cannot be ruled out. Therefore, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

CRM (NDPS) 82 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)