

08.03.2022
Sl. 43
Court No.29
sourav
(Rejected)

C.R.M. (NDPS) 251 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **25.02.2022** in connection with **Chakulia** P.S. Case No. **260** of **2021** dated **02.09.2021** under Sections **21(c)** of the NDPS Act.

And

In the matter of: **Farman Sk.**

....petitioner.

Mr. Sekhar Kumar Basu, Sr. Advocate

Mr. Soubhik Mitter

Ms. Rajnandini Das

Ms. Arushi Rathore

Mr. Karan Bapuli

Mr. Abhishek Prasad

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

Learned senior advocate appearing for the petitioner submits that no narcotics was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the confessional statement made by the petitioner while in custody. He refers to the charge-sheet. He submits that there is no nexus between the petitioner and the person who was arrested with the commercial quantity of narcotics.

Learned advocate appearing for the State submits that the person who was arrested with the commercial quantity of narcotics and the petitioner were in conversation with each other through Whatsapp as well as on phone. He refers to the Whatsapp chat messages exchanged between the petitioner and such co-accused. He refers to the call details recording of the two mobile phone numbers.

Considering the fact that there is a nexus between the petitioner and the co-accused who was arrested with commercial

quantity of narcotics as transpiring from the Whatsapp messages exchanged between them and the call record details between the petitioner and the person arrested with commercial quantity of narcotics, 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.

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

C.R.M. (NDPS) 251 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

