

C.R.M. (NDPS) 252 of 2022

20.04.2022
Sl. 35
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. **23/2021** arising out of **Chakulia** Police Station Case No. **120 of 2021** dated **12.05.2021** under Sections **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

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

....petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Soubhik Mitter

Ms. Rajnandini Das

Mr. Karan Bapuli

...for the petitioner.

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

...for the State.

Petitioner renews the prayer for bail.

Learned senior advocate appearing for the petitioner canvases two points for the purpose of grant of bail. Firstly, he submits that the petitioner was sought to be shown arrested on a particular date and not produced before the Magistrate within 24 hours of the date of shown arrest. Secondly, he submits that no commercial quantity of narcotic was seized from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody and therefore, the petitioner is entitled to bail.

Learned advocate appearing for the State draws the attention of the Court to the case diary as also the records of the trial court.

It appears from the case diary, that there are call details recording between the petitioner and the person arrested with the commercial quantity of narcotic. This aspect was alluded to by the co-ordinate bench while rejecting the prayer for bail on December 21, 2021 passed in CRM 8618 of 2021. Moreover, the co-ordinate bench also took into consideration that bills were seized in the

course of investigation prima facie showing that the petitioner was unauthorizedly supplying the narcotic concerned.

The case records of the trial court shows that a prayer for issuance of production warrant was made before the Court on November 16, 2021 which was allowed and the learned judge fixed November 23, 2021 for production of the petitioner. The petitioner was produced before the Court on November 23, 2021. Therefore, there is no infraction on the part of the investigating agency with regard to the shown arrest of the petitioner.

There is hardly any material change in circumstances subsequent to the earlier order of rejection dated December 21, 2021. The petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

In such circumstances, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 252 of 2022 is dismissed.

Trial court records be returned forthwith.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

