

C.R.M. (NDPS) 303 of 2022

24.03.2022
Sl. 29
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **15.03.2022** in connection with **N 192 of 2020** arising out of NCB Crime No. **18/NCB/KOL/2020** under Section **8(c)** read with Sections **22(c)/23/29** of the NDPS Act.

And

In the matter of: **Mukhtar Sk. @ Mukhter Sk.**

....petitioner.

Mr. Sandipan Ganguly,
Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha,

...for the petitioner.

Mr. Y. J. Dastoor, Ld. ASG
Ms.Amrita Pandey,

...for N.C.B.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that the Narcotics Control Bureau filed a charge-sheet whereupon, cognizance was taken. He submits that there are no materials to implicate the petitioner presently. The statement recorded under Section 67 of the NDPS Act, 1985 along with the call details recording between the petitioner and his brother are of no consequence at this stage.

Learned Additional Solicitor General appearing for the Narcotics Control Bureau submits that a parcel containing commercial quantity of narcotics was seized from the office of a courier which was booked by the brother of the petitioner.

In such circumstances, at this stage, since commercial quantity of narcotics was seized from a parcel which was booked by the brother of the petitioner and since there are call details recording between the petitioner and his brother, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Moreover, there is

hardly any material change in circumstances subsequent to the earlier order of rejection.

Consequently, we are unable to enlarge the petitioner on bail.

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

C.R.M. (NDPS) 303 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

