

CRM (NDPS) 358 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2022 in connection with English Bazar P.S. Case No. 765 of 2021 dated 06.07.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

-And-

In the matter of: **Chiranjit Sikdar @ Chiran & Anr.**

... ..Petitioners

Mr. Shibaji Kr. Das, Advocate

... .. For the Petitioners

Mr. Sanjay Bardhan, Advocate

Ms. Baishali Chatterjee, Advocate

... .. For the State

Petitioners pray for bail.

Learned Advocate appearing for the petitioners submits that petitioners are in custody in excess of 265 days and 230 days respectively. The police filed charge-sheet and therefore, further detention of the petitioners are not required. He submits that the petitioners stand in the same footing as that of the co-accused who was granted bail by the Coordinate Bench on January 17, 2022 in CRM 8368 of 2021.

Learned Advocate appearing for the State submits that the petitioner no. 2 is an accused in another NDPS case. There are call details recording between the petitioner no. 1 and the petitioner no. 2. The police sent the voice samples of the petitioner nos. 1 and 2 for forensic examination. The report thereof is awaited. He submits that there are call details recording between the petitioner no. 1 and the person who was granted bail by the Coordinate Bench.

It appears that there are criminal antecedents so far as the petitioner no. 2 is concerned. The criminal antecedent relates to the NDPS Act itself. Apparently, the petitioner nos. 1 and 2 were in conversation over the mobile phone. Therefore, it cannot be said at this stage with certainty that

there is no connection between the petitioner nos. 1 and 2 relating to the narcotics seized.

Consequently, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioners.

CRM (NDPS) 358 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)