

02.05.2022

Sl. 30
Court No.29
suvayan
(rejected)

C.R.M. (NDPS) 428 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chakulia** P. S. case No. **260 of 2021** dated **02/09/2021** under Section **21(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Soni Devi & Anr.

....petitioners.

Mr. Kalidas Saha

...for the petitioners.

Mr. Ranadeb Sengupta

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that no narcotic was recovered from the possession of the petitioners. The petitioners were falsely implicated.

Learned Advocate appearing for the State submits that Ajay Sha was arrested with the commercial quantity of narcotic. The petitioner no.1 is the wife of such arrested person. From the interrogation of Ajay Sha, the name of another accused transpired who named the petitioner no.2. He submits that the petitioner nos. 1 and 2 owns medicine shop. There is a fund flow between the petitioner nos. 1 and 2 in excess of Rs.7 crores. Both the petitioners are involved.

The police, prima facie are able to establish nexus between the petitioners on one part and between the petitioners and the accused who was arrested with the commercial quantity of narcotic on the other part. Consequently, we are of the view that the petitioners are unable to overcome the restrictions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

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

C.R.M. (NDPS) 428 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)