

29.06.2022

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rejected

C.R.M. (NDPS) 590 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Task Force (kolkata) Police Station Case No. 7 of 2021 dated 13.03.2021 under Sections 21(C)/27A/29 of the NDPS Act.

And

In Re : Subrata Biswas petitioner

Mr. Sekhar Basu, Sr. Adv.

Mr. Souvik Mitter

Ms. Ankita Das Chakraborty

Ms. Deborshi Bramha

Mr. Sagnik Mukherjee

... for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

... for the State

Petitioner is in custody for over 15 months.

It is submitted by the learned senior Counsel appearing for the petitioner that no narcotic substance was recovered from his possession. A mere sum of Rs.100/- was credited in the account of the petitioner by co-accused Sambit Ray. The aforesaid circumstance, by no stretch of imagination, would lead to an inference of conspiracy between the petitioner and co-accuseds.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the petitioner is a member of the police force. He, entered into conspiracy with another colleague viz. Palash Biswas and aided and abetted the trafficking of narcotic substance with the help of co-accuseds

viz. Sambit Ray, Fani Biswas and Raju Biswas. In the course of investigation it revealed identical sums of Rs.100/- each were credited simultaneously in the accounts of the petitioner and Palash Biswas by Sambit Ray. Thereafter, a large sum of money i.e. Rs.9,50,000/- had been credited to the account of Palash Biswas by Sambit Ray. During and after the incident, petitioner and the aforesaid Palash Biswas were together at Mandarmoni and Old Digha. They were arrested from Gaighata.

We have considered the materials on record. Petitioner and co-accuseds are facing a charge of conspiracy. Role of the petitioner, whether minor or not, does not impact the conspiracy charge which may be necessarily inferred from the conduct of co-conspirators and their close proximity and association with each other. Statements of the witnesses as well as documents collected in the course of investigation, prima facie, disclose the petitioner and his colleague, Palash Biswas were together during the entire transaction and were arrested together from Gaighata. Inexplicable and simultaneous credit of Rs.100/- each is also noticed in the accounts of the petitioner and Palash Biswas by co-accused, Sambit Ray. Thereafter, a large sum of money of Rs.9,50,000/- is credited to the account of Palash Biswas by co-accused, Sambit Ray. Petitioner and co-accused Palash Biswas were in close association with one another during and after the transaction. These circumstances prima facie lead to an inference of concert and conspiracy between the petitioner and other accused persons in dealing in narcotic substance, above commercial quantity.

In view of the aforesaid facts and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We are informed that charge has been framed. Under such circumstances we request the trial court to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)