

21.06.2022
Sl. No.7
akd
[Rejected]

C. R. M. (NDPS) 654 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.06.2022 in connection with NCB Crime No.21/NCB/KOL/2021 dated 24.06.2021 under Sections 8(c)/22(c)/29 of the NDPS Act. (NDPS Case No.14 of 2021)

And

In Re: **Arun Sharma**

... .. Petitioner

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey
Mr. Biswajit Goswami

... .. for the petitioner

Mr. P. Bhattacharyya

... .. for the UOI

It is submitted on behalf of the petitioner that he is in custody for about 367 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the NCB opposes the prayer for bail and submits petitioner is the owner of a courier hub through which narcotic substance above commercial quantity was trafficked. Narcotic was recovered from the possession of co-accused.

We have considered the materials on record. Petitioner is the owner of a courier hub. He had the legal duty to satisfy himself with regard to the licit nature of articles despatched through his concern. Failure to discharge such responsibility prima facie infers conspiracy between the petitioner and co-accuseds in trafficking of narcotic substance above commercial quantity. There are also telephonic conversations between the petitioner and co-accuseds corroborating the charge of conspiracy. In view of the aforesaid materials on record prima facie disclosing involvement of the petitioner in trafficking narcotic substance through his business concern and in the light of the statutory

restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)