

03.08.2022
Sl. No.1
akd
[Rejected]

C. R. M. (NDPS) 794 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.07.2022 in connection with NDPS Case No.33 of 2020 corresponding to NCB Crime No.05/2020/KOL under Sections 21(c)/35/39/8(c) of the NDPS Act.

And

In Re: ***Halim Kazi @ Abdul Halim Kazi***

... .. Petitioner

Mr. Antarikhya Basu
Ms. Ayana Dey
Ms. Madhumita Basak

... .. for the petitioner

Mr. Rajdeep Majumder
Mr. Somnath Adhikary

... .. for the NCB

Petitioner renews his prayer for bail. It is submitted on his behalf that he is in custody for more than two years. It is further submitted no narcotic substance was recovered from his possession. No money trail with the co-accused has been established.

Learned advocate appearing for the NCB opposes the prayer for bail and submits petitioner is a habitual offender and he in conspiracy with co-accused including one Subhankar Gain (employee of the petitioner) was dealing in narcotic substance. Call detail records between the petitioner and co-accuseds viz. Subhankar Gain, Sajahan Sardar (absconding accused) and one Sujoy have been collected in course of investigation. Disproportionate assets in the hands of the petitioner to the tune of Rs.86,72,484/- have been frozen under the provisions of NDPS Act. Petitioner was also detained under PITNDPS Act.

We have considered the materials on record. Although no narcotic substance was recovered from the possession of the petitioner,

there are call detail records between the petitioner and his employee viz. Subhankar Gain, one Sujoy and Sajahan Sardar (absconding accused). Prima facie petitioner has been unable to explain disproportionate assets which were standing in his name running to over Rs.86 lakhs. These assets have been frozen under the provisions of NDPS Act. Petitioner was also detained under PITNDPS Act for prejudicial activities. These circumstances particularly unexplained disproportionate assets in the name of the petitioner and CDRs. showing frequent telephonic conversations with co-accused prima facie establish the prosecution case of conspiracy against the petitioner. In view of the aforesaid facts, we are not inclined to grant bail to the petitioner.

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

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)