

31.08.2022
tkm/ct 28
sl no. 5

C.R.M. (NDPS) 968 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dalkhola PS case no. 183/2021 dated 26.8.2021 under sections 21(c)/29 of the NDPS Act

And

In Re : Faisal Alam @ Md. Faisal @ Faisal petitioner

Mr. Deepak Sengupta, Sr. Adv

Mr. Pawan Kr. Gupta

Mr. Arnab Saha

Mr. A Banerjee

..... for the petitioner

Mr. Saryati Datta

..... for the State

Petitioner is in custody for 232 days. It is contended that he has been falsely implicated in the present case. Petitioner had been arrested in connection with another case, namely, Dalkhola PS case no. 157 of 2021 and had been released on bail by this court in CRM (NDPS) 831 of 2022. Money trail purportedly relied upon by the petitioner in the present case is an afterthought. Hence he may be enlarged on bail.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner in collusion with co-accuseds was dealing in narcotic substance above commercial quantity. Investigation reveals transfer of over Rs.1,00,000/- from the petitioner to co-accuseds. Array of accused persons in the present case is a different from that in Dalkhola P.S case no. 157 of 2021. Materials collected in the present case cannot be compared with those in the other cases.

We have considered materials on record. Statements of witnesses and other materials show complicity of the petitioner

with co-accuseds in dealing in narcotic substance. CDRs collected in the course of investigation show telephonic conversations between them. In addition, investigation has revealed money transfer from the petitioner to co-accuseds. Allegations in the present case relate to conspiracy between the petitioner and a different set of accused than those in Dalkhola PS case no. 157 of 2021.

Under such circumstances and in view of the incriminating materials on record and the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)