

30.08.2022

cm/ct 28

sl. no. 1

Rejected

C.R.M. (NDPS) No. 984 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **N.D.P.S. Case No. 73/2021** arising out of **NCB Crime No. 13/NCB/KOL/2021** dated **22.04.2021** under Sections **22(c)/29** of the N.D.P.S. Act.

And

In Re : Sanarul Islam @ Sanarul Sk.

..... petitioner

Mr. M. Chatterjee

Mr. N. S. Ghosh

..... for the petitioner

Mr. Rajdeep Majumder

Mr. Moyukh Mukherjee

..... for the NCB

Petitioner is in custody for 68 days. It is submitted no narcotic substance was recovered from his possession.

Learned lawyer for the NCB opposes the prayer for bail. He submits petitioner is the brother of the principal accused Piyarul Islam. 1.700 kgs of heroin was recovered from the residence of Piyarul. He was actively involved in dealing Heroin along with brother Piyarul Islam.

We have considered the materials on record. Petitioner is the brother of the principal accused. A large quantity of Heroin was recovered from his residence. Though petitioner's strenuously contended that he resides in a different village, we are of the opinion the close association between the petitioner and Piyarul Islam corroborates the prosecution case of conspiracy to deal with Heroin above commercial quantity. Petitioner had absconded for a

protracted period of time. Hence, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)