

18.11.2022.
03.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1058 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS No.07 of 2022 arising out of NCB Crime No.05/NCB/KOL/22 under Section 8(c) read with Sections 21(c)/25/29 of the NDPS Act.

In the matter of : Md. Iqbal Hussain @ Iqbal @ Iqbal Qureshi.
... Petitioner.

Mr. Sekhar Kumar Basu, Id. Ser. Adv.,
Mr. Kusal Kumar Mukherjee.
...for the Petitioner.

Mr. Rajdeep Majumder,
Mr. Pritam Roy. ...for the NCB.

Pursuant to our earlier direction, Investigating Officer is personally present before this Court. His presence is noted and dispensed with.

Petitioner is in custody for 258 days. He submits no narcotic substance was recovered from his possession.

Learned Advocate for the NCB opposes the prayer for bail. He submits report with regard to the complicity of the petitioner.

From the report, it appears money transfers were made between petitioner and co-accused, a co-conspirator. Though it is contended that the aforesaid evidence is not a part of the complaint, we are of the opinion the evidence collected in the course of further investigation may be pressed into service to establish the complicity of the petitioner.

In view of the aforesaid fact there are legally admissible evidence establishing involvement of the petitioner in dealing of

narcotics and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)