

07.11.2022
Sl. No.11
akd
[Rejected]

C. R. M. (NDPS) 1226 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.09.2022 in connection with Watgunge Excise Circle S.I.'s S.L. No.69 of 2021 dated 30.11.2021 under Sections 8(c)/20(b)(ii)(c) of the NDPS Act.

And

In Re: ***Rafiq Naskar @ Rafik Naskar***

... .. Petitioner

Mr. Angshuman Chakraborty

... .. for the petitioner

Mr. Anwar Hossain

Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 330 days. It is further submitted no narcotic substance was recovered from his possession.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner had whatsapp communications with the manager of the vehicle viz. Subham Sharma, who was instrumental in transportation of narcotic substance above commercial quantity.

We have considered the materials on record. Petitioner is a conspirator in the transportation of narcotic substance. Electronic communications between him and the manager of the vehicle used for transportation of narcotic substance prima facie implicates him in the alleged crime. Quantity of narcotic substance i.e. 22 kgs. of *Ganja*, which is above commercial quantity was recovered from the vehicle. In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

