

VB
02. 28.10.2022
Ct.28 Tanmoy

Rejected

CRM (NDPS) 1233 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with **Golabari Police Station Case No. 6 of 2022** dated **06.01.2022** under Sections **27(A)/28/29/30** read with Section **21(C)** of the N.D.P.S. Act.

And

In the matter of: - **Irshad Khan @ Abdul Irshad Khan**
....petitioner.

Mr. Rana Mukherjee
...for the petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi
...for the State.

One Irshad Khan @ Abdul Irshad Khan is before us praying for bail, who is in custody for more than 290 days. The petitioner submits that no contraband was recovered from his custody and he never named another accused Babar Mondal. Though, from the house of Babar Mondal Police recovered commercial quantity of contraband three days consecutively. Babar Mondal was also arrested. His bail prayer was rejected.

From the case diary we find the petitioner's name as an accused and it has been submitted that from the seized mobile phone from the accused, there are communications between Babar Mondal and the petitioner and, therefore, enough evidence is there. Md. Alfas Khan and one Sk. Rashid are also in the business of contraband. Therefore, we find sufficient materials are there for keeping the accused/petitioner in custody and it

has been stated that on the basis of the statement made by the accused, 13 kgs. of contraband was recovered from the house of the co-accused Babar Mondal. We do not find any merit in this case. The petitioner is unable to overcome the restrictions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Prayer for bail is thus, rejected.

Accordingly, the application being CRM (NDPS) 1233 of 2022 is dismissed.

(Bibhas Ranjan De, J.)

(Abhijit Gangopadhyay, J.)