

21.02.2022
Sl. JCB3
Court No.29
sourav
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**C.R.M. (NDPS) 40 of 2022
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **07.02.2022** in connection with NDPS Case No. **04** of **2022** arising out of **New Jalpaiguri GRPS** Case No. **01** of **2022** dated **06.01.2022** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: **Rabiul Sekh**

....petitioner.

Mr. Rajdeep Mazumder
Mr. Anirban Banerjee

...for the petitioner.

Ms. Aditi Shankar Chakraborty
Mr. Biswarup Roy

...for the State.

Report as called for by the order dated February 15, 2022
filed in Court be taken on record.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. No narcotic was seized from the possession of the petitioner. Petitioner is sought to be proceeded against on the basis of the statement of the co-accused. According to him, the mobile phone of the petitioner was not seized.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the petitioner was using a mobile phone bearing no. **99327 11326**. There are call details recording between the petitioner and the co-accused who was arrested with commercial quantity of narcotic.

Considering the fact that there are call details recording between the petitioner and the person arrested with a

commercial quantity of the narcotic, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

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

C.R.M. (NDPS) 40 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

