

13.01.2023
Sl. No.4
akd
[Rejected]

C. R. M. (NDPS) 9 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with NDPS Case No.07 of 2022 arising out of NCB Crime No.05/NCB/KOL/2022 under Sections 8(c)/21(c)/28/29 of the NDPS Act.

And

In Re: ***Md. Iqbal Qureshi @ Md. Iqbal Hussain***

... .. Petitioner

Mr. Saryati Datta

... .. for the petitioner

Mr. Anirban Mitra

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 310 days. Co-accused viz. Md. Khan Shah @ Furkhan has been enlarged on bail. Accordingly, petitioner prays for bail on parity.

Learned Advocate for the NCB opposes the prayer for bail and submits there was monetary transactions between the petitioner and co-accused viz. Majibar Sk, who is in custody. Petitioner does not stand on the same footing with other co-accused viz. Md. Khan Shah @ Furkhan, who is on bail.

We have considered the materials on record. Call Data Records (CDRs.) show telephonic conversations between the accuseds. The said material is not corroborated with money trail so far as Md. Khan Shah @ Furkhan is concerned. Hence, he was enlarged on bail. On the contrary, there are unexplained money transfers between the petitioner and co-accused viz. Majibar Sk. Hence, petitioner does not stand on the same footing with co-accused viz. Md. Khan Shah @ Furkhan. Keeping in mind the aforesaid facts, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

