

18.01.2023
Sl. No.5
akd
[Rejected]

C. R. M. (NDPS) 56 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Watgunge Excise Circle SI's SL No.69/21-22 dated 30.11.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.89 of 2021)

And

In Re: ***Rafiq Naskar***

... .. Petitioner

Mr. Sankar Banerjee

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that no narcotic substance was recovered from his possession.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had been implicated in the case pursuant to the direction of this court in CRM (NDPS) 648 of 2022.

We have considered the materials on record. While considering the bail prayer of co-accuseds, this Court found Whatsapp communications between the petitioner and the Manager of the vehicle which had been used to transport narcotics. Apart from telephonic conversations, images of narcotic drugs were exchanged between the petitioner and the said co-accused. These incriminating circumstances prompted this court to direct the Investigating Agency to investigate the role of the petitioner. Thereafter, he has been arrested.

In view of the aforesaid incriminating circumstance involving the petitioner in transportation of narcotic substance above commercial quantity and as co-accuseds are in custody, we do not consider it prudent to enlarge the petitioner on bail.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)