

04.04.2023.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 540 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.46 of 2022 arising out of Kaliachak P.S. Case No.272 of 2022 dated 15.03.2022 under Section 21(c)/27A/29 of the NDPS Act.

In the matter of : Md. Aliul Islam @ Alilul Islam.
... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. M. Rahaman.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

Petitioner is in custody for 220 days. It is contended he is a licensed drug dealer. He further submits he had no connection with the contraband recovered from the godown from one Tarit Mandal. He prays for bail.

In view of the aforesaid submission, we directed the Investigating Officer to submit materials to show nexus between the petitioner, a licensed drug dealer and the consignment of codeine phosphate recovered.

Report is placed on record. From the report and the materials collected during investigation, it appears the prosecution relies on a tenancy agreement executed between petitioner and said Tarit Mandal to establish petitioner had taken the godown on rent. Other statements of witnesses also corroborate such fact. E-mail has been sent to Manager, Laborate Pharmaceuticals India Ltd. to

verify the identity of the dealer to whom the seized consignments had been dispatched. Result is awaited.

In view of the aforesaid materials on record and as further investigation is in progress, we are not inclined to grant bail to the petitioner at this stage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)