

03.05.2023
Sl. No.10
akd
[Rejected]

C. R. M. (NDPS) 855 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.04.2023 in connection with Kaliachak Police Station Case No.875 of 2022 dated 12.08.2022 under Sections 21(c)/27/29 of the NDPS Act. (NDPS Case No.122 of 2022)

And

In Re: **Md. Jiyaul Sekh**

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate

Mr. Mazhar Hossain Chowdhury

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Debjani Dasgupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 118 days. It is further submitted no legally admissible evidence has been collected against him. His complicity has transpired from statement of co-accused which is inadmissible in law. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner is a member of an organised crime racket which deals in interstate transportation of *phensedyl syrup* for non-medicinal use. He submits report disclosing the role of the petitioner.

We have considered the materials on record. Statement of a witness recorded under Section 164 of the Code of Criminal Procedure discloses role of the petitioner in trafficking narcotics. A consignment of *cough syrup* was recovered from co-accused viz. Alok Kumar Mandal. Statements of the said co-accused and one Md. Azizur Rahaman disclosed complicity of the petitioner who had procured the consignment from one Chintu @ Devendra Ahuja of Agra, Uttar Pradesh. Bail prayer of said Chintu @ Devendra Ahuja has been turned down. Further

investigation discloses that the seized consignment was manufactured by Laborate Pharmaceuticals India Ltd. and sent to various distributors including one N.R. Medicine Distributor, Vill. Jorgachi (Choweangee more), Malda. Notice has been issued upon the said distributor but he is evading interrogation. Further investigation in the form of interrogation of the said distributor, tracing of monetary trail which is said to have been done through *Hawala* and communications on a social media platform is in progress. Prayer has been made for extension of detention under the proviso of Section 36A(4) of the NDPS Act.

In view of the nature of offence which would require probe into the surreptitious financial transactions and/or interrogation of conduits in the interstate trafficking of *phensedyl syrup* for non-medicinal purposes, we are of the opinion release of the petitioner on bail at this stage would hinder the progress of investigation. Keeping in mind the aforesaid facts and nature of offence, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)