

19.05.2023
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 997 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.05.2023 in connection with Kaliachak Police Station Case No.714 of 2022 dated 04.07.2022 under Sections 21(c)/27A/29 of the NDPS Act. (NDPS Case No.93 of 2022)

And

In Re: ***Mabudh Sk.***

... .. Petitioner

Mr. Sekhar Kr. Basu .. Sr. Advocate
Mr. Avinaba Patra
Mr. Shanta Sarkar

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that no narcotics was recovered from his possession. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits there were repeated telephonic exchanges between the petitioner and one Md. Nurul Islam @ Rizwan. Monetary transaction between them through PhonePe platform has also been noted. The said Md. Nurual Islam @ Rizwan had a number of telephonic conversations with co-accused who were carrying narcotics. Money transaction between them has also been detected.

We have considered the materials on record. Offence relates to conspiracy in transportation of narcotics. Apart from telephonic conversations between the petitioner and co-accused viz. Md. Nurul Islam @ Rizwan, money trail through PhonePe platform is also detected. No explanation with regard to such monetary transaction is placed on record. It is also relevant to note that the said Md. Nurul Islam @ Rizwan is the nodal point of the conspiracy and a number of

telephonic conversations between him and co-accused carrying narcotics has also been detected. Monetary transaction between Md. Nurul Islam @ Rizwan and co-accused carrying narcotics is also placed on record. The aforesaid materials on record clearly show participation of the petitioner in a nexus between himself, Md. Nurul Islam @ Rizwan and co-accused carrying narcotic substance.

In view of the aforesaid incriminating materials and the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)