

08.06.2023.
12.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1086 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.32 of 2022 arising out of Nakashipara P.S. Case No.369 of 2022 dated 15.05.2022 under Sections 21(c)/22(c)/27A read with Section 30 of the NDPS Act.

In the matter of : Safikul @ Rabiul @ Obiul @ Abiul Sk.
... Petitioner.

Mr. Sekhar Kumar Basu, Id. Sr. Adv.,
Mr. Soubhik Mitter,
Ms. Rajnandini Das,
Mr. Karan Bapuli.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner submits money trail originating from him to Kayyum Sk. through one Aziz has not been established. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits that the issue had been taken into consideration by this Court on an earlier occasion when bail prayer of petitioner was rejected in CRM (NDPS) 1447 of 2022.

In rebuttal, it is contended that Kayyum Sk. has not been cited as an accused in the charge sheet.

We have considered the materials on record. Narcotics was recovered from co-accused with whom the petitioner had repeated telephonic conversations as per CDR report. Statement of Aziz shows that the money had been handed over to one Kayyum Sk. in connection with

the transaction of narcotics. Non-joining of Kayyum Sk. as co-accused may be taken into consideration during trial and, if necessary, the trial Court may invoke powers under Section 319 of the Code of Criminal Procedure in that regard.

However, the aforesaid materials *prima facie* disclose involvement of the petitioner in the conspiracy and in financing of transaction in narcotics. Date has been fixed for recording evidence.

Hence, we are not inclined to grant bail to the petitioner.

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

We request the trial court to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)