

25.09.2023
SL. 23
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3920 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **NDPS Case No. 07/2023** arising out of NCB Crime No. **17/NCB/KOL/2023** under Sections **20(b)(ii)(C)/29** of the NDPS Act.

And

In the matter of: **Ranjoy Mondal @ Ranjay Mondal & Anr.**

....petitioners.

Mr. Tapodip Gupta

...for the petitioners.

Mr. Rajdeep Majumder

Mr. Moyukh Mukherjee

...for the UOI.

1. Heard learned Advocate for both the parties.
2. It is not a case where the basis of implication of the present petitioners is the statements of the co-accused.
3. It is submitted by learned Counsel for the NCB that there are materials on record to show that the present petitioners are the persons who ensured loading of the contraband in the truck in Orissa which was to ferry the contraband to Murshidabad. There is further material to show that the location of the mobile numbers of the present petitioners has been changed from tower to tower in which road the truck loaded with contraband was coming and they were in fact following the truck in a separate vehicle. The CDR details of conversation between the persons in the truck and the petitioners is also thereon record.
4. Regard being had to the gravity of the offence and the bar under Section 37 of the NDPS Act, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.

6. The application being **CRM (A) 3920 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

