

22.09.2023

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rejected

C.R.M.(NDPS) No. 1557 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 14/NCB/KOL/2023 dated 11.04.2023 under Section 8(c) read with 21(c)/22(c)/29 of the NDPS Act.

And

In Re : Abdur Rahman @ Sajid petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Avinaba Patra

... for the petitioner

Mr. Kallol Kumar Basu

Ms. Sumita Sarkar

... for the NCB

1. Learned Counsel for the petitioner submits he is in custody for 45 days. It is also submitted that he is a bona fide dealer in medicine. No illegal transaction in narcotics was noted from the records of his shop. He has been falsely implicated and arrested. He prays for bail.

2. Learned Counsel for NCB submits a large consignment of Spasmo-Proxy tablets containing tramadol was seized from the godowns of Manoj Kumar, Guru Sahay Yadav, Uma Sankar Yadav and Md. Nizam Uddin @ Guddu. They were unable to show documents for lawful possession for medicinal purposes of the drugs containing narcotic substance. CDRs of petitioner and Uma Sankar Yadav disclose a number of telephone calls between them on or about the time of seizure. There are suspicious monetary transactions in the account of the petitioner. Investigation with regard to money trail is

continuing. Mobile phone of the petitioner is proposed to be sent for forensic examination.

3. We have considered the materials on record. A large volume of Spasmo-Proxy tablets containing tramadol was recovered from the godowns which are in custody of the co-accused Manoj Kumar, Guru Sahay Yadav, Uma Sankar Yadav and Md. Nizam Uddin @ Guddu. None of them had valid licence to possess and deal in drugs containing narcotics. Manner and circumstances in which drugs were stored lead to an inference they were proposed to be utilized for non-medicinal purposes. Investigation revealed close nexus between the petitioner and Uma Sankar Yadav. CDRs show a number of telephonic communications between them. In addition thereto, unaccounted credits have been made in the bank account of the petitioner. Investigation with regard to the source of the said deposits is in progress. Mobile phone of the petitioner is proposed to be sent for forensic examination. In view of nature of the offence disclosing deep-rooted conspiracy and ramification in narcotic substance, we do not consider it prudent to enlarge the petitioner on bail at present.

4. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

