

18.10.2023

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rejected

C.R.M.(NDPS) No. 1725 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Behala Police Station Case No. 152 of 2022 dated 08.06.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sk. Rafique @ Shaikh Rafique @ Toton petitioner

Mr. Sourav Chatterjee

Mr. Soumya Nag

Mr. Aditya Tiwari

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 372 days. It is also submitted prosecution case against him is an alleged recovery of 8kgs. of Ganja which is below commercial quantity. There is no other material to connect the petitioner with regard to the recoveries made from the co-accused. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits 102Kgs. of Ganja was recovered from a vehicle. Co-accused Sushanta Patra and Pabitra Das were in the said vehicle. Petitioner conspired with the other accused in the transportation of narcotics. Money trail between petitioner and co-accused have traced out during investigation.

3. We have considered the materials on record. Bank details of the petitioner show money transfers between him and

the co-accused Sushanta Patra. This discloses involvement of the petitioner as an abettor in transportation of narcotics above commercial quantity. Total recovery from all the accused is above 100 Kgs. of Ganja. Under such circumstances, we are of the opinion plea of bail of the petitioner is to be considered in the light of the restrictions under Section 37 of the NDPS Act and accordingly the same is rejected.

4. Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)