

20.12.2023.
04.
Ct.No.28
Sourav
[Rejected]

C.R.M. (NDPS) 1855 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Sankrail P.S. Case No. 681 of 2021 under Sections 21(C)/25/28 of the NDPS Act.

In the matter of : Rajesh Roy @ Kalu

... Petitioner.

Ms. Sanjukta Samanta

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

1. Petitioner contends that he was not present at the place of occurrence. He seeks to rely on CDRs of his mobile phone to support his contention. Accordingly, he prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends narcotics above commercial quantity i.e. 660 litres of phensedyl was recovered from two vehicles. Petitioner was present in one of the vehicles. The interception and the recovery has been videographed.
3. We have considered the materials on record. Statements of witnesses and the videography of the recovery prima facie establish presence of the petitioner at the place of occurrence. Petitioner's claim that he was present at a different spot does not find muster in light of the aforesaid materials on

record. With regard to the issue of production of CDRs of his mobile phone, it is open to the petitioner to obtain requisite documents from the service provider. Assistance of the Court is not necessary.

4. Under such circumstances and in light of the materials on record which prima facie establish the presence of the petitioner at the place of recovery and in view of the statutory restrictions under section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.
5. This application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)