

14.03.2023.
04.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1486 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 122 of 2022 arising out of Kaliachak P.S. Case No.875 of 2022 dated 12.08.2022 under Sections 21(C)/27(A)/29 of the NDPS Act.

In the matter of : Md. Azizur Rahaman.

... Petitioner.

Mr. Mrityunjoy Chatterjee,
Md. Mahibar Rahman.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for 145 days. It is contended no narcotics was recovered from his possession. In course of investigation, no other incriminating material has transpired. Further detention for progress of investigation is not necessary. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits that the case involves interstate trafficking of narcotics. Investigation commenced upon recovery of a large consignment of phensedyl syrup containing codeine phosphate from one Alok Kumar Mandal. Pursuant to Alok's statement, petitioner was arrested. CDRs show telephonic conversations between petitioner and co-accuseds. Further investigation disclosed that the batch numbers of the recovered bottles of phensedyl syrup had been supplied to one M/s. Sairam Medical Agency, M/s. N. R. Medicine Distributor

and M/s. Nova Enterprise. One Ziaul Haque is the owner of M/s. N. R. Medicine Distributor. He is presently absconding. Further investigation to unravel conspiracy between petitioner and the said Ziaul Haque requires his detention.

We have considered the rival submissions at the Bar. In August, 2022, one Alok Mandal was apprehended with a large consignment of phensedyl syrup containing codeine phosphate above commercial quantity. The said accused was unable to give explanation for illicit possession of the said consignment of drugs. Attending circumstances give rise to a prima facie inference that he was in possession of the drugs for illegal use. Pursuant to his statement, petitioner was arrested. Investigation with regard to petitioner's role reveal frequent telephonic conversations between him and co-accuseds including the one from whom narcotics was recovered. Investigation also revealed petitioner was in active conversation with one Ziaul Haque, an absconding accused who was the distributor of medicines which had been diverted for non-medicinal purposes. Ziaul Haque is absconding. Further investigation is in progress for his apprehension and unraveling the tentacles of conspiracy in drug trafficking.

Under such circumstances and in view of the statutory restrictions under Section 37 of the NDPS Act and as investigation is in progress, we are not inclined to grant bail to him.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)