

29.04.2024

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rejected

C.R.M.(NDPS) No. 697 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R. Case No. 23 of 2023 arising out of NCB Crime No. 24/NCB/KOL/2023 dated 04.08.2023 under Sections 8(c)/15(c)/28/29 of the NDPS Act.

And

In Re : Rajesh Prasad Gupta @ Rajesh Prosad Gupta @ Rajesh Kumar Gupta Petitioner

Mr. Sujan Chatterjee

Mr. Neel Chakraborty

....for the petitioner

Mr. Himanshu De, Sr. Adv.

Mr. Sourav Mondal

..... for the NCB

1. Learned Counsel for the petitioner submits he is in custody for 266 days. It is also submitted no narcotics was recovered from his possession. Accordingly, he prays for bail.

2. Learned senior Counsel for the NCB opposes the bail prayer and submits petitioner conspired with co-accused and assisted in transportation of narcotics under the invoices issued in the name of his company which deals in tobacco.

3. In response learned Counsel for the petitioner submits misdeed was committed by his employee, Santanu Banerjee. Petitioner was unaware of his activities.

4. We have considered the materials on record in the light of the submissions made on behalf of the parties. Petitioner is a dealer in tobacco. He had been allotted GST number to deal

in the said product. Misusing the GST number of the petitioner fake invoices were prepared and 89 kgs. of Poppy Straw was transported. Consignment was seized. Interrogation of the co-accused Santanu Banerjee discloses involvement of the petitioner. In collusion with the petitioner, his GST number was misused and fake invoices prepared for smuggling of narcotics. Petitioner has criminal antecedents. In the light of these incriminating circumstances and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner at this stage.

5. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)