

06.
Court
No.28

16.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 912 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Dalkhola P.S. Case No. 278/2023 dated 30.11.2023.
And

In the matter of: - **Manjoor Alam**

...petitioner.

Mr. Subham Ghosh, Adv., (VC)
Ms. Sudeshna Das, Adv ,
Mr. Mayank Roy, Adv.

...for the petitioner.

Ms. Sreyashee Biswas, Adv.,
Mr. Shiladitya Banerjee, Adv.

...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for about 160 days. Nothing has been seized from his possession. The contraband articles were seized from a godown which does not belong to the petitioner. Moreover, the call record details and transcripts show that he has no connection with the commission of the offence. He also submits that one licence agreement shows that the owner of the godown is his wife who has given the godown on licence to a third party. According to him, as the petitioner is not involved with the commission of the offence, he may be enlarged on bail on any condition that this Court may decide. In this regard learned Counsel for the petitioner has relied on a decision of the Hon’ble Supreme Court of India reported at **AIR 1996 SC 3033 (Mohd. Alam Khan v. Narcotics Control Bureau).**

Learned Counsel appearing for the State, has raised strong objection to the bail prayer. According to her, the pen drive and the call record details produced by the petitioner could not be verified since the same are deficient in material particulars. 17357 bottles of phensedyl syrup have been recovered from the godown of the petitioner and there are sufficient incriminating materials against the present petitioner. His bail prayer should be rejected.

We have considered the material in the case diary. We have also considered the case law cited by learned Counsel for the petitioner. It is true that there is one agreement showing that the godown belongs to the wife of the petitioner but during the stage of investigation the genuineness of the said document may not be appropriately ascertained. Whether the document is genuine or not, or whether the petitioner has any constructive possession of the said godown or not, can only be decided at the trial. The case law has also supported this view.

Considering the materials on record, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is rejected.

The application being CRM (DB) 912 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)