

09. 05.12.2024
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1176 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Baishnabnagar** Police Station Case No. **542/2023** dated **13.08.2023** under Sections **21(c)/25/27A/28/29/30** of the Narcotic Drugs & Psychotropic Substances Act.

And

In the matter of: - **Babu @ Amodali Sekh.**

...petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Tapodip Gupta

...for the petitioner.

Mr. Md. Adil Badr, Ld. Jnr. Gov. Adv.

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for seven months. He has been falsely implicated. There was no recovery of contraband items from him. He prays for bail.
2. Vehemently opposing the prayer, learned State advocate draws our attention to the material in the case-diary which includes Call Detail Records (CDRs). Learned advocate says that the petitioner is a part of the conspiracy as the CDRs will demonstrate. The petitioner transferred huge fund from his bank account to the bank account of his son as well as to the petitioner's wife's bank account, from where the money was paid to the supplier of drugs.

3. Mr. Mukherjee, learned senior counsel representing the petitioner, however, draws our attention to Section 27A of the NDPS Act and says that there is no material on record to even *prima facie* show that this petitioner in any manner was a part of drug peddling.
4. We have considered the material on record. *Prima facie*, there appears to be certain incriminating materials against this petitioner.
5. We are told that charge has been framed. January 27 and 28, 2025 have been fixed as dates for examination of witnesses.
6. We are told that there are eight charge-sheet named witnesses.
7. We are not inclined to allow the petitioner's prayer for bail at this stage.
8. The application for bail being CRM (NDPS) 1176 of 2024 is, thus, **dismissed**.
9. However, considering the period of detention of the petitioner, we request the learned trial court to expedite the trial to the extent possible and conclude the same on an early date.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)