

CRM (NDPS) 1671 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Katwa Police Station** Case No. **441 of 2022** dated **16.07.2022** under Sections **18(b)/21(c)/25/29** of the NDPS Act.

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In the matter of : Mozaffar Hossain @ Mazaffar Hossain @ Mujaffar Hossain

.... Petitioner.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Mr. Satadru Lahiri,
Mr. C. Biswas,

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sana Naaz

... for the State.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that there was no recovery of contraband items from him. Initially three persons were arrested. On the basis of their statement two other persons were arrested. Then on the basis of the statement made by one of those two persons, the petitioner was apprehended. He is in custody for 139 days. Investigation is complete. Charge sheet has been filed. He has no nexus with the alleged crime. His further custodial detention is unnecessary.

2. Opposing the prayer for bail, learned State Advocate draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The witnesses implicate this petitioner.

3. Huge quantity of contraband item is involved. Mere non-recovery of contraband items from the possession of the petitioner

would not indicate that he has been able to tide over the restrictions in Section 37 of the NDPS Act.

4. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (NDPS) 1671 of 2024 is, thus, dismissed.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)