

17.01.2024.
23.
Ct.No.28
as
(Rejected)

C.R.A. (DB) 358 of 2023

In Re:- An appeal under sub-section (4) of Section 21 of the National Investigation Agency Act, 2008 in connection with NIA Case No.RC-43/2022/NIA/DLI dated 20.09.2022 under Section 120B of the Indian Penal Code read with Sections 4/6 of the Explosive Substances Act and Sections 25(1A)/25(1AA) of the Arms Act corresponding to NIA Case No.04 of 2022 arising out of Md. Bazar Police Station Case No.209 of 2022 dated 30.06.2022 under Sections 268/278/286/120B of the Indian Penal Code read with Sections 4/6 of the Explosive Substances Act.

In the matter of : **Islam Chowdhury @ Islam.**
... Appellant.

Mr. Rajdeep Mazumder,
Mr. Pritam Roy,
Mr. S. Bhattacharjee.

...for the Appellant.

Mr. Arun Kr. Maiti (Mohanty),
Mr. Bhaskar Prosad Banerjee,
Mr. D. Tandon.

...for the NIA.

1. Appellant has approached this Court alleging he is in no way connected with the dealing in illegal ammunitions. No ammunitions were recovered from his possession. He was not shown as an accused in the initial charge sheet. During further investigation, he was arrested purportedly on the basis of a social media post showing him carrying a firearm. During police custody an airgun was recovered which does not fall under the ambit of Arms Act. He is in custody for more than six months.

Further investigation does not relate to him and he may be released on bail.

2. Mr. Maiti for NIA opposes the bail application. He contends petitioner is an associate of a prominent political leader in the District of Birbhum. Statements of protected witnesses show he took money from the persons who had supplied ammonium nitrate for illegal purposes. Further investigation with regard to the role of the appellant in the crime is still in progress.

3. In rebuttal, it is contended the persons who supplied ammonium nitrate have been enlarged on bail.

4. We have considered the materials on record. Genesis of the case can be traced to recovery of 81,000 detonators from a vehicle by STF, West Bengal. This resulted in registration of the present case. Subsequently, investigation was taken over by NIA and large consignments of illegal ammunitions were recovered from co-accused.

5. In the course of investigation statements of protected witnesses were recorded. Protected witnesses No.(i) and (j) have stated appellant used to obtain protection money from ammonium supplied to facilitate illegal trade in explosives.

6. It is true two of the licensed suppliers viz., Nuruz Zamman and Md. Meerajuddin have been enlarged on bail. They do not stand on the same footing with the

appellant. Materials collected against them show they were businessmen who presumably due to extortion by the appellant and others supplied explosives to others for illegal purposes. On the other hand, appellant was involved in collection of extortion money for facilitating the illegal trade in explosives. Further investigation in the matter is still in progress. Possibility of appellant committing similar offences if released on bail and intimidating witnesses through his political influence cannot be ruled out.

7. Under such circumstances, we are not inclined to grant bail to the appellant at this stage.

8. Accordingly, the prayer for bail of appellant is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)