

27.08.2025
42
Bd.
Ct.29
(Rejected)

C.R.M. (NDPS) 712 of 2025

In Re:- An application for Bail under section 439 of the Code of Criminal Procedure 1973 read with section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 16 of 2024 arising out of Berhampore Police Station Case no. 269 of 2024 dated 22.02.2024 under Sections 21(c)/25/27A/28/29 of the NDPS Act, 1985.

And

In the matter of : **Md. Hassanuddin @ Hasanmama Petitioner.**

Mr. Sandipan Ganguli
Mr. Hafiz Ali

...for the Petitioner

Mr. Sanjay Banerjee
Ms. Afreen Begum

...for the State

This is renewal of the bail prayer of the petitioner. Lastly it got rejected by this Court on 24th February, 2025 being CRM (NDPS) 2016 of 2024.

Mr. Ganguly, learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about one year four months and nothing was recovered from the possession of the present petitioner. Contraband substance was recovered from the possession one Shafi Islam Seikh, Guddu Sekh and Raju Sk. The only allegation against the petitioner is that the petitioner allegedly spoke with co-accused Shafi Islam Seikh and Guddu Sekh. Though prosecution alleged that from the petitioner's parcel narcotic substance was found but such statement is not true. So far as the allegation of money trailing levelled in prosecution case

that the money which was sent to the account of Ajijul Aslam was sent as per direction of the present petitioner, it appears that said Ajijul Aslam has not been made an accused and on the contrary he has been made a witness of this case. Furthermore money might have been sent in the brother's account of the petitioner as alleged but if Certain amount of money got transferred to his brother's account that does not mean that petitioner can be held responsible. Mr. Ganguly further submits that according to charge-sheet prosecution is required to examine 30 witnesses and as such nobody knows when the trial would be concluded and considering his period of detention, he may be released on bail on any terms and conditions.

Mr. Banerjee, learned counsel appearing on behalf of the State strongly opposed the bail prayer contending that the petitioner is FIR named who has delivered 7.648 Kgs of contraband morphine through India Post to accused Shafi Islam Seikh and other arrested persons. Numerous parcels containing contraband has been shipped by the accused person in earlier occasion by using the Government machinery i.e., India Post in the name of other arrested accused persons. He further submits that accused person was about to abscond to Arunachal Pradesh while he was arrested and the CDR from mobile phone of the petitioner reflects continuous communication with co-accused Shafi Islam Seikh, Guddu Seikh and Raju Sk. who are the co-accused from whom recovery was made. He further submits that

mobile forensics data reflects Whatsapp communication between the other accused persons where accused Hassan Uddin sends the delivery slip of India Post to accused Shafi Islam Seikh after dispatching the parcel full of contraband from Dimapur Post Office. His further contention is that a total of Rs.11,49,500/- has been received through one Ajijul Aslam who runs a CSP of Axis Bank near to his residence. Accused Hassan Uddin received Rs. 4,95,000/- on 08.12.2023 in his own bank account. He also received Rs. 6,90,500/- on 08.12.2023 through the account of his wife and he received other amounts and a total of Rs. 39,19,500/- has been received by him through Raju Sk. The present petitioner alone has received approximately Rs. 59, 63,000/- in between 01.11.2023 to 22.02.2024 from the co-accused persons without having any legitimate source of income. He further submits that voice messages in respect of this contraband substance are there in Whatsapp communications. His further allegation is that accused has also registered medicine shop in the name of HD Pharma with no physical existence i.e., shell company to divert the sell proceed money of narcotics. Further allegation of the prosecution is that the statement of co-accused persons revealed that they have send crores of rupees for the contraband through Hawala, whereas the same has been surfaced in the Whatsapp chats where the accused persons were sending the currency note number and pictures of the currency notes for the said purpose. Mr. Banerjee, further submits that the accused person/petitioner

is the Kingpin of this smuggling racket and the said accused person/petitioner and his brother are engaged in this business for so long and therefore if released on bail, there is serious chance of his ascendance.

Having heard learned counsel appearing on behalf of the petitioner and the State and also in view of the materials collected so far during investigation, it appears that petitioner miserably failed to overcome the rigour of section 37 of the NDPS Act, and as such his prayer for bail is considered and rejected.

However, the trial court is requested to expedite the trial by fixing consecutive dates within short intervals and to make every endeavour to conclude the trial preferably within a period of 14 months from the next date of hearing.

Both the parties are directed to communicate the order to Court below.

Accordingly, CRM (NDPS) 712 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)