

06.03.2025

DL-36

Court No.26

(Bail **rejected**)

(AD)

CRM (NDPS) 1590 of 2024

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with N.D.P.S. Case being No.N.171/2015 arising out of **NCB Crime No.10/NCB/KOL/2015** under Sections **21(C)/23** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Alex Anekwe Chinweze

... ...Petitioner

Mr. Avik Ghatak, Advocate

Mr. Sandip Ray, Advocate

... for the petitioner.

Mr. Ajit Kumar Mishra, Advocate

Mr. Sourav Mandal, Advocate

Mr. Abhishek Dey, Advocate

... for the NCB

1. Leave granted to the learned Advocate on record for the petitioner to correct the cause title.
2. Prayer for bail is at the behest of the petitioner who is a foreign national.
3. Prayer for bail is founded largely on the ground that, no recovery being made from the possession of the petitioner and that, the case is based on statement of co-accused made while in custody.
4. Learned Advocate appearing for the Narcotics Control Bureau (NCB) submits that, petitioner stands implicated in the present case concerning commercial quantity of contraband. He draws the attention of the Court that, there are passports of three nations so far as the petitioner is concerned.

Petitioner was absconding and could be apprehended only after the petitioner was arrested in a different case in New Delhi. He submits that, there is a huge possibility of the petitioner absconding if the petitioner be granted bail.

5. Learned Advocate appearing for the NCB submits that, there are several criminal antecedents so far as the petitioner is concerned. So far as the present police case is concerned, petitioner was supposed to take delivery of the seized contraband from the person from whom the contraband was seized.
6. Considering the materials on record and the fact that, there are criminal antecedents so far as the petitioner is concerned as also the fact that, three passports of three different nations were recovered from the possession of the petitioner and the fact that, the present case involves seizure commercial quantity of contraband, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. Consequently, we are not inclined to grant bail to the petitioner.
8. Accordingly, the prayer for bail of the petitioner is rejected.
9. **CRM (NDPS) 1590 of 2024 is dismissed.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)