

CRM (NDPS) 1955 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 **Jagacha Police Station** Case No. **127 of 2024** dated **22.07.2024** under Sections **20(b)(ii)(C)/29** of the NDPS Act.

- A n d -

In the matter of : Rajib Guin @ Mum

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. D. Biswas,
Ms. P. Bose,

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Soumya Basu Roy Chowdhuri,

... for the State.

Dictated by Apurba Sinha Ray, J:-

1. The petitioner claims that he has been falsely implicated in this case. He is in custody for about 209 days. Investigation is complete. Nothing has been recovered from him. On the basis of alleged call details reports he has been arrested. However, as the investigation is complete, he may be enlarged on bail on any condition.

2. Learned State Advocate opposes the bail prayer. He says that there are sufficient incriminating materials including the call details report showing that frequent calls have been exchanged between the petitioner and the person who was absconding at the relevant point of time. He further submits that the present petitioner has criminal antecedents. If the petitioner is enlarged on bail, the prosecution may suffer.

3. Learned Advocate for the petitioner disputes that the petitioner has any criminal antecedents.

4. We have considered the materials on record including the case diary. It appears that there are sufficient incriminating materials including phone call details report showing *prima facie* involvement of the present petitioner along with the principal accused. As the petitioner is unable to override the restrictions imposed under Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (NDPS) 1955 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.)