

15.09.2020

ssd

CRM 6487 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baisnabnagar P.S. Case No.572 of 2019 dated 02.11.2019 under Sections 21(C) read with Section 24 of the NDPS Act.

And

In the matter of: **Kawsar Ali**

....Petitioner.

Mr. Suryaneel Das

...for the Petitioner.

Mr. Madhusudan Sur

Mr. Aniket Mitra

...for the State.

The petitioner undertakes to appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner has been detained following the recovery of commercial quantity of contraband. The petitioner claims that the petitioner was merely the driver of the vehicle and the petitioner was not aware of the contents in the vehicle. The petitioner claims that the mastermind has already been taken into custody and the petitioner should not suffer further detention.

It is elementary that the driver of the vehicle is responsible for all goods therein. It is possible that the petitioner may have acted on the

basis of the instructions issued by some other; however, the petitioner was driving the vehicle when the seizure was made and the seizure is deemed to be from the possession of the petitioner.

In view of the commercial quantity of contraband recovered, the petitioner does not qualify to obtain bail.

The prayer for bail is rejected.

CRM 6487 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)