

10.12.2020  
Sl. No.30  
akd  
[Rejected]

**C. R. M. 10175 of 2020** [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2020 in connection with Hogolberia Police Station Case No. 83 of 2020 dated 06.07.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.46 of 2020)

And

In Re: ***Rahidul Sk.***

... .. Petitioner

Mr. Sekhar Basu .. Sr. Advocate

Mr. Kusal Kumar Mukherjee .. Advocate

... .. for the petitioner

Mr. Swapan Banerjee .. Advocate

Mrs. Purnima Ghosh .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 159 days. It is further submitted that the samples were not drawn in presence of a Magistrate. Forensic report is awaited.

Learned advocate appearing for the State opposes the prayer for bail and submits that investigation is in progress.

We have considered the statements of witnesses. Statements disclose the petitioner as the owner of the vehicle which was used for transporting narcotic substance above commercial quantity. Petitioner was apprehended from the spot. In view of the aforesaid incriminating materials and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

