

13.12.2021
273
sdas
rejected

C.R.M. 5192 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 287 of 2020 dated 29.08.2020 under Sections 21(c)/22(c) of the NDPS Act..

And

In Re : Tuku Sekh petitioner

Mr. Anindya Ghosh
Mr. Sudip Guha

... for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Sujata Das

... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is not a registered owner of the vehicle and has been falsely implicated in the instant case.

Investigating officer is present in person.

Case diary is produced.

We have considered materials on record including the notarised sale agreement executed by and between the parties on 1st March, 2020 wherein it is recorded upon valuable consideration the vehicle used to transport narcotics had been sold to the petitioner herein. Statements of witnesses to the sale certificate have also been recorded. Circumstances which prevented change of ownership to be recorded before the registering authority has also come out from the statements of the witnesses.

In view of the aforesaid facts, we are of the prima facie view that the petitioner had control and custody over the vehicle at the time when it was used for transportation of narcotic substance. Hence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Personal appearance of the investigating officer is noted and dispensed with.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

