

06.12.2021.
24.
as
(rejected)

C.R.M. 5242 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R. (NDPS) Case No.01 of 2021 arising out of Digha (Excise) SIS Sl.No.178 of 2020-21 dated 11.03.2021 under Sections 8(c)/20(b)(ii) of the N. D. P. S. Act.

In the matter of : Swapan Mandal.

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Sk. Sahjahan Ali.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for about 270 days. It is also submitted no narcotic substance was recovered from the vehicle.

Learned Advocate appearing for the State opposes the prayer for bail. Petitioner is the driver of the vehicle and narcotic substance above commercial quantity was recovered from the said vehicle.

We have considered the materials on record. Petitioner was the driver of the vehicle and narcotic substance was recovered from the said vehicle. Hence, joint possession of narcotic substance by the petitioner and other co-accused who were present in the vehicle is prima facie established.

In view of the aforesaid facts and in the light of the statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)