

10.12.2021  
cm/ct 28

**C.R.M. 6442 of 2021**

sl no. 59 In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nowda P.S Case No. 165 of 2020 dated 13.11.2020 under Sections 20(b) (ii) (c)/29 of the Narcotic Drugs & Psychotropic Substances Act.

And

**Rejected**

In Re : Attab Sk @ Aktab Ali Sk.

..... petitioner

Mr. Protip Mukhkerjee  
Ms. Ankita Maji

..... for the petitioner

Mr. Sudip Ghosh  
Mr. Apurba Kr. Dutta

..... for the State

Petitioner is in custody for 310 days. Investigation is complete and co-accuseds are on bail.

Learned lawyer for the State submits that petitioner was driving the vehicle which was used to transport 200.32 Kg. of ganja. No recovery was effected from the possession of the co accuseds who are on bail.

We have considered the materials on record, which show petitioner was the driver of the vehicle which was used to transport 200.32 Kg. of ganja which is above commercial quantity. No recovery was made from co accuseds who have been granted bail/anticipatory bail. Hence, petitioner does not stand on the same footing with the said co accused person.

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.

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

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**