

09.11.2021
Sl. No.17
sp
[Rejected]

C. R. M. 7075 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.10.2021 in connection with Malda Police Station Case No.425 of 2021 dated 30.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Om Prakash Dahal***

... .. Petitioner

Mr. Sourjya Das .. Advocate

... .. for the petitioner

Mr. Swapan Banerjee, Advocate

Mr. Suman De

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 21(c)/29 of the NDPS Act.

Petitioner is in custody for 706 days. It is submitted that he is not the owner of the vehicle wherefrom narcotic substance was recovered.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was in the vehicle from which the narcotic substance was recovered.

We have considered the materials on record. Statements of witnesses as well as the seizure memo, prima facie disclose that the petitioner was in the vehicle from which narcotic substance above the commercial quantity that is 300 grams of heroin was recovered from the possession of the petitioner.

Under such circumstances and in view 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**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)

