

C.R.M. (NDPS) 498 of 2022

19.05.2022
Sl. 48
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Sankrail** Police Station Case No. **1444** of **2021** dated **02.12.2021** under Sections **20(b)(ii)(C)** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Swapan Sarit Das & Ors.**

....petitioners.

Ms. Susmita Ghorai

...for the petitioners.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Petitioners pray for bail.

Learned advocate appearing for the petitioners submits that the petitioners are the driver and the two helpers of a public vehicle. The petitioners are no way involved in the transportation of the narcotic. The petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the seizure list.

The seizure list bears the signature of the petitioners. However, in the seizure list, it is stated that the narcotics were recovered from the possession of different persons. The public vehicle was taken possession of from the petitioners.

The seizure of the commercial quantity of narcotic was made from the public vehicle concerned. The public vehicle was seized from the possession of the petitioners.

In such circumstances, we are of the view that conscious possession of the petitioners with regard to the commercial quantity of narcotic seized cannot be ruled out. Therefore, the petitioners are unable to rebut the presumptions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to enlarge any of the petitioners on bail.

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

C.R.M. (NDPS) 498 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)

